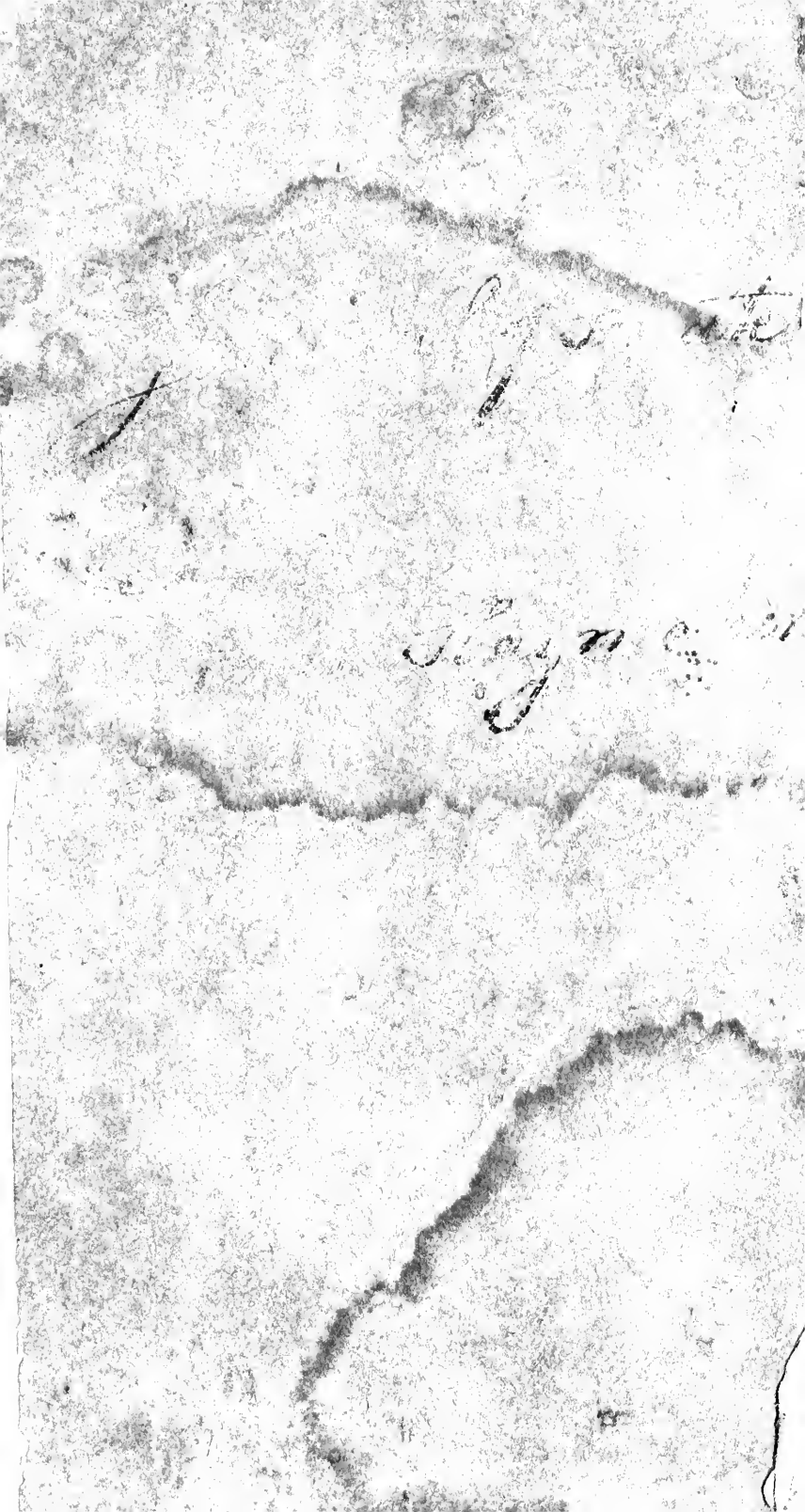


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JOURNAL
OF THE
SENATE

OF THE
COMMONWEALTH

OF
Pennsylvania,

WHICH COMMENCED AT LANCASTER, THE FIRST
DAY OF DECEMBER, IN THE YEAR OF OUR LORD
ONE THOUSAND EIGHT HUNDRED AND
SEVEN, AND OF THE INDEPENDENCE
OF THE UNITED STATES OF AME-
RICA THE THIRTY-SECOND.

.....
VOLUME XVIII.
.....

W. C. SMYTH, PRINTER...LANCASTER...1807.



JOURNAL
OF THE
SENATE

OF THE

Commonwealth of Pennsylvania.

Tuesday, December 1, 1807.

THIS being the day appointed by the Constitution for the meeting of the General Assembly, the Senate convened.

Twenty-three Members present,

On motion,

The returns of election to supply the places of those Members whose time had expired, were read; by which it appeared, that the following named persons were returned as duly elected at the late general election, *to wit:*

By the district composed }
of the city of Phila- }
delphia, the county of } EDWARD HESTON.
Philadelphia, and the }
county of Delaware, }

By the district composed }
of the county of Mont- } JONATHAN ROBERTS, jun.
gomery, - - - }

By the district composed
of the counties of Nor-
thampton, Wayne, and
Luzerne, - - - } MATTHIAS GRESS.

By the district composed
of the counties of York
and Adams, - - - } THOMAS CAMPBELL.

By the district composed
of the county of Frank-
lin, - - - } ARCHIBALD RANKIN.

By the district composed
of the counties of West-
moreland, Armstrong,
and Indiana, (including
Jefferson) - - - } JAMES BRADY.

Mr. Lane (late Speaker) informed the Senate, that in the recess of the legislature, he had received a letter from Henry Wertz, jun. the Member representing the district composed of the counties of Bedford, Huntingdon, Somerset and Cambria; resigning his seat in the Senate—That thereupon he issued his writs of election, agreeably to the 15th section of the Act of the 15th February, 1799, directing the sheriffs of the respective counties contained within the said district, to hold elections to supply the said vacancy, on the day of the general election then next following—That in pursuance thereof, a return had been made to the office of the Secretary of the Commonwealth.

Whereupon,

The said return was read; by which it appeared, that Jacob Blocher was returned as duly elected a Member of the Senate, in the place of Henry Wertz, jun. for the district aforesaid.

On motion,

The Senate proceeded to the election of Speaker, (the Clerks being first appointed tellers) and, on counting the votes, it appeared that Presley Car Lane had twenty-two votes, and James Brady one vote.

Whereupon,

Presley Car Lane was declared to be duly elected Speaker of the Senate; and, being conducted to the chair, made his acknowledgments for the honor conferred upon him by the Senate.

On motion of Mr. Mitchell and Mr. Hart,
Mr. Vance administered to the Speaker the usual
oaths of office.

Thereupon,

The requisite qualifications were administered to the
following new Members, by the Speaker, *to wit*:

EDWARD HESTON,	THOMAS CAMPBELL,
JONATHAN ROBERTS, jun.	JAMES BRADY,
MATTHIAS GRESS,	JACOB BLOCHER.
ARCHIBALD RANKIN,	

Moved by Mr. Hart and Mr. Roberts,

That when Senate adjourn, the adjournment be to
half past ten o'clock to-morrow morning; which was
not agreed to.

Whereupon,

The Senate adjourned till 11 o'clock to-morrow
morning.

~~~~~  
*Wednesday, December 2, 1807.*

On motion of Mr. Vance and Mr. Mitchell,

It was unanimously agreed, That the Clerk of the  
Senate read the Declaration of Independence, and that  
it be inserted at large on the Journal.

Whereupon,

The Declaration of Independence was read as follows,  
*to wit*:

*“A DECLARATION by the REPRESENTATIVES of  
the UNITED STATES of AMERICA, in Congress as-  
sembled, 4th July, 1776.*

“WHEN, in the course of human events, it be-  
comes necessary for one people to dissolve the political  
bands which have connected them with another, and to  
assume among the powers of the earth, the separate and  
equal station to which the laws of nature and of nature’s  
God entitle them, a decent respect to the opinions of  
mankind requires that they should declare the causes  
which impel them to a separation.

“ We hold these truths to be self-evident—that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.—Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government.—The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

“ He has refused his assent to laws, the most wholesome and necessary for the public good.

“ He has forbidden his Governors to pass laws of immediate and pressing importance, unless suspended in their operation, till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

“ He has refused to pass other laws, for the accommodation of large districts of people, unless those people would relinquish the right of representation in the Legislature—a right inestimable to them, and formidable to tyrants only.

“ He has called together legislative bodies, at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

“ He has dissolved Representative Houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the People.

“ He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large, for their exercise; the State remaining, in the mean time, exposed to all the danger of invasion from without, and convulsions within.

“ He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others, to encourage their migration hither, and raising the conditions of new appropriations of lands.

“ He has obstructed the administration of justice, by refusing his assent to laws, for establishing Judiciary Powers.

“ He has made Judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

“ He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people, and eat out their substance.

“ He has kept among us, in times of peace, standing armies, without the consent of our Legislatures.

“ He has affected to render the military independent of, and superior to, the civil power.

“ He has combined with others, to subject us to a jurisdiction, foreign to our Constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation.

“ For quartering large bodies of armed troops among us :—

“ For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States :—

“ For cutting off our trade with all parts of the world :—

“For imposing taxes on us without our consent:—

“For depriving us, in many cases, of the benefits of the trial by jury:—

“For transporting us beyond seas, to be tried for pretended offences:—

“For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries so as to render it at once an example and fit instrument, for introducing the same absolute rule into these colonies:—

“For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments:—

“For suspending our own Legislatures, and declaring themselves invested with power, to legislate for us in all cases whatsoever.

“He has abdicated government here, by declaring us out of his protection, and waging war against us.

“He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

“He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

“He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

“He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

“In every stage of these oppressions, we have petitioned for redress, in the most humble terms; our repeated petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a Free People.

“Nor have we been wanting in attention to our Brit-



ish brethren. We have warned them, from time to time, of attempts made by their Legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind—enemies in war—in peace, friends.

“WE, therefore, the Representatives of the United States of America, in Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, Do, in the name and by the authority of the good People of these Colonies, solemnly declare, that these United Colonies are, and, of right, ought to be Free and Independent States:—that they are absolved from all allegiance to the British Crown, and that all political connection, between them and the State of Great Britain, is and ought to be totally dissolved; and that, as Free and Independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which Independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.”

Signed by order and in behalf of the Congress,

JOHN HANCOCK, *Pres.*

*Attest.*

CHA. THOMSON, *Sec.*

*New-Hampshire.*

*Rhode-Island, &c.*

Josiah Bartlet,

Stephen Hopkins,

Wm. Whipple,

Wm. Ellery.

Math. Thornton.

*Connecticut.*

*Massachusetts-Bay.*

Roger Sherman

Samuel Adams,

Sam. Huntington,

John Adams,

Wm. Williams,

Rob. T. Paine,

Oliver Wolcott.

Elbridge Gerry.

*New-York.*

Wm. Floyd,  
Philip Livingston,  
Francis Lewis,  
Lewis Morris.

*New-Jersey.*

Rich. Stockton,  
John Witherspoon,  
Fra. Hopkinson,  
John Hart,  
Ab. Clark.

*Pennsylvania.*

Robert Morris,  
Benjamin Rush,  
Benjamin Franklin,  
John Morton,  
Geo. Clymer,  
James Smith,  
Geo. Taylor,  
James Wilson,  
Geo. Ross.

*Delaware.*

Cesar Rodney,  
Thomas M'Kean,  
George Read.

*Maryland.*

Samuel Chase,  
Wm. Paca,  
Thomas Stone,  
Cha. Carroll, of *Ca.*

*Virginia.*

George Wythe,  
Rich. H. Lee,  
Tho. Jefferson,  
Benj. Harrison,  
Tho. Nelson, jun.  
Fra. Light. Lee,  
Carter Braxton.

*North-Carolina.*

Wm. Hooper,  
Joseph Hewes,  
John Penn.

*South-Carolina.*

Edward Rutledge,  
Tho. Heyward, jun.  
Tho. Lynch, jun.  
Art. Middleton.

*Georgia.*

But. Gwinnet,  
Lyman Hall,  
Geo. Walton.

Thereupon,

The following resolution was, on motion of Mr. Vance and Mr. M'Arthur, read, and

Ordered to lie on the table, *to wit* :

Whereas our relations with foreign powers stand in a precarious situation, particularly with the government of Great Britain; and whereas the late outrages committed on our sovereignty, as a free and independent nation, have not, perhaps, been exceeded in the history of civilized nations, and for which it remains, uncertain whether that government is disposed to make such acknowledgments and satisfaction, as one independent nation should expect from another; and, as war may probably ensue,

Therefore,

Resolved, That a committee of                      Members be

appointed by the Senate, to join a committee from the House of Representatives, (should that House think proper to appoint such committee) for the purpose of addressing the general government, expressive of the assurances of our support and co-operation, in such measures as Congress may think expedient to adopt, relative to the present circumstances in which we stand with the Government of Great Britain.

The Speaker laid before the Senate, a letter from Samuel A. Otis, Secretary of the Senate of the United States, informing of the transmission of a copy of their journal, for the use of the Senate of Pennsylvania; and the said letter was read, and, with the copy of the journal of the Senate of the United States,

Laid upon the table.

The Speaker also laid before the Senate, a letter from the Secretary of the Commonwealth, with the proposals therein referred to, which were severally read, as follow, *to wit:*

*For printing the Journal in the English language,*

|                   |       |                |             |
|-------------------|-------|----------------|-------------|
| W. C. Smyth asks  | \$ 12 | per sheet, for | 600 copies, |
| rule & fig. work, | 16    | do.            |             |
|                   | 18 50 |                | 1200        |
| John R. Mathews,  | 13    | do.            |             |
|                   | 18    | do.            |             |
| John Burnside,    | 14    | do.            |             |
|                   | 24    | do.            |             |
| William Greear,   | 15 75 | do.            |             |
|                   | 25    | do.            |             |
| Henry Grimler,    | 25    | do.            |             |
| William Dixon,    | 30    | for            | 1350        |

*For printing the Journal in the German language,*

|                      |       |            |
|----------------------|-------|------------|
| Henry Grimler asks   | \$ 11 | per sheet. |
| Benjamin Mayer       | 12    |            |
| Peter Joseph Forster | 12    |            |
| for figure work,     | 14    |            |
| C. J. Hutter         | 14    |            |
| G. & P. Albright     | 16    |            |

*For printing the Bills,*

|                     |         |      |
|---------------------|---------|------|
| William Greear asks | 1 page  | \$ 1 |
|                     | 2 pages | 1 50 |
|                     | 3       | 2 75 |
|                     | 4       | 3 25 |

|                    |         |      |
|--------------------|---------|------|
| John Burnside asks | 1 page  | \$ 1 |
|                    | 2 pages | 1 50 |
|                    | 3       | 2 50 |
|                    | 4       | 3    |
| John R. Mathews    | 1       | 1    |
|                    | 2       | 1 50 |
|                    | 3       | 2 50 |
|                    | 4       | 3    |
| William C. Smyth   | 1       | 90   |
|                    | 2       | 1 40 |
|                    | 3       | 2    |
|                    | 4       | 2 80 |
| William Hamilton   | 1       | 1 25 |
|                    | 2       | 2 25 |
|                    | 3       | 3 25 |
|                    | 4       | 3 75 |
| Henry Grimler      | 1       | 1 50 |
|                    | 2       | 2    |
|                    | 3       | 3    |
|                    | 4       | 3 50 |

Whereupon,

On motion of Mr. Pennell and Mr. Roberts,

The said proposals were again read, and referred to Mr. Pennell, Mr. Brady, and Mr. Vance, to consider and report thereon.

Mr. Roberts presented the petition of William Wilson, praying to be re-appointed Sergeant-at-Arms, which was read, and

Laid upon the table.

Mr. Slaymaker presented the petition of Adam Hart, praying to be re-appointed Door-keeper, which was read, and

Laid upon the table.

Mr. Slaymaker also presented the petition of Peter Holback, praying to be appointed door-keeper, which was read, and

Laid upon the table.

Mr. Wayne presented the petition of the subscribers thereto, inhabitants of Chester county, stating the injuries which have arisen from the great number of dogs in the said county—That instances are not wanting, of whole flocks of sheep being destroyed in one night, and

that partial injuries of this nature are constantly accruing in almost every district of the county. The petitioners therefore pray, That if it be not deemed advisable to pass a general law, the legislature will grant to the county of Chester, an act for the taxation of dogs; and the same was read, and

Laid upon the table.

Mr. Leib and Mr. Darlington, a committee from the House of Representatives, being introduced, informed Senate that the House of Representatives is organized, and ready to proceed to business.

On motion,

Mr. Hart and Mr. Wayne were appointed to inform the House of Representatives, that Senate is duly organized, and ready to proceed to business.

And, after some time,

Mr. Hart reported that the committee had performed that service.

On motion of Mr. M'Arthur and Mr. Hiester,

The following resolution was twice read, considered, and adopted, *to wit*:

Resolved, That each Member, and each Clerk of the Senate be furnished, during the present session, with two daily newspapers, or as many weekly papers as shall not exceed the price of two daily ones.

On motion of Mr. Roberts and Mr. Hart,

Agreed, That the choice of Sergeant-at-Arms and Door-keeper, be the order of the day for Friday next.

The Clerk of the House of Representatives presented an Extract from the Journal of that House, which was read, as follows, *to wit*:

*"In the House of Representatives,*

*"December 2, 1807.*

"Resolved, That a committee be appointed to join a committee from the Senate, (if the Senate shall appoint such committee) to wait on the Governor, and inform him that the General Assembly is duly organized, and ready to receive his communications.

"And ordered, That Mr. C. Smith, Mr. Porter, and Mr. Espey, be a committee for that purpose."

On motion,

Mr. Mitchell, Mr. Miller, and Mr. Slaymaker, were

appointed to wait upon the Governor, in conjunction with the committee of the House of Representatives, and inform him that the General Assembly is duly organized, and ready to receive his communications.

And, after some time, Mr. Mitchell reported that the committee had performed that service, and that the Governor informed the committee, that he would make his communications to the General Assembly in the chamber of the House of Representatives, to-morrow, at twelve o'clock at noon.

Adjourned till 11 o'clock to-morrow morning.

~~~~~  
Thursday, December 3, 1807.

Mr. Roberts presented the petition of Ann Rambo, executrix, and Jacob Shainline, executor of the last will and testament of Abraham Rambo, late of the township of Upper Merion, in the county of Montgomery, deceased, stating, that the said Abraham Rambo sold a certain piece of land to William Bailey, and received the full consideration therefor; but, as the said Rambo died before a conveyance of the said property was executed, and as no provision is made in his will to supply the deficiency, the petitioners therefore pray to be enabled by law to convey the said land to Mr. Bailey; and the same was twice read, and referred to Mr. Roberts, Mr. Wayne, and Mr. Rahm, to consider and report thereon.

Mr. Miller presented the petition of Catharine Karl, widow of George Karl, late of Manheim township, in the county of York, deceased, stating that the petitioner's husband, shortly before his decease, sold a piece of land to William Young of the same county, for the sum of one hundred and eighty pounds, four shillings and six-pence, of which the sum of one hundred and twenty-one pounds, seventeen shillings and six-pence was paid to the said George Karl, in the presence of the petitioner, but no receipt was given therefor; and, as the said Karl died without having conveyed the said land to the said Young—and, as the defect cannot be

provided for, but by an act of the legislature, the petitioner therefore prays, That Jacob Rudizell and George Karl, administrators to the estate of the deceased, may be authorized to make a conveyance to the said Young, on the balance of the purchase-money being paid; and the said petition was read, and

Laid upon the table.

Mr. Slaymaker presented the petition of John Riddle, praying to be appointed Door-keeper; which was read, and

Laid upon the table.

Mr. M'Arthur presented the petition of the subscribers thereto, inhabitants of Crawford county, praying that Muddy creek, a branch of French creek, in the said county, from its junction with French creek to Elder Hutchison's saw-mill, may be declared a public highway; and the same was read, and

Laid upon the table.

The Secretary of the Commonwealth presented two several messages from the Governor; which were read, as follow, *to wit*:

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

GENTLEMEN,

AT the last session of the legislature, the following resolution was passed: 'That, from and after the next term of the supreme court, it shall not be lawful for any counsellor, attorney, or other person, to read, within any court of this Commonwealth, any precedent, or case of law decided in any court, except such as have taken, or may take place, in some court of the United States.'

This important resolution was presented, by a committee, for my approbation, at a late period of the session; while I was under the pressure of other public business, and severely afflicted with a personal malady. It was, therefore, impossible to bestow, at that time, a proper attention upon the subject; so as to acquit myself, equally, of the respect which I owe to legislative propositions; and of the fidelity, with which I have always been anxious to perform the duties of the executive office.

A difference of opinion, both in public and in private life, is natural to mankind; and an honest difference of opinion, ought never to produce passion, prejudice, or reproach. Whenever it has been my misfortune to differ from the opinion of the Senate and the House of Representatives of Pennsylvania, I have not ventured to arraign the purity of their motives; although I may, sometimes, have been tempted, on account of that difference, to question the correctness of my own judgment. Upon every occasion, however, and particularly upon the present, I have hoped for a reciprocity of indulgence and candor. And when I exercise a constitutional right to declare, that I cannot approve the resolution, be assured, gentlemen, that I seek not to pronounce a sentence of condemnation upon others; but merely to assign reasons in vindication of myself. To you, to our constituents, and to posterity, the reasons of dissent are, therefore, submitted; not in a vain spirit of contradiction and controversy; but, as the dictates of conscience, after a long life devoted to the science of government and law. Considering the resolution, in its form, and in its operation, it appears to my mind, to be liable to many powerful objections.

1. Because the prohibition excludes the judge, and the jury, as well as the counsellor, and the attorney, from resorting, in court, to the accustomed sources of legal information.

Every decision of a court of justice, ought to be made according to *the law of the land*; whether it is pronounced upon the opinion of the judges, or by the verdict of a jury. In criminal, as well as in civil cases, it is the duty of the judge to state to the jury, what is the law of the land, upon the points in issue. In civil cases, the jury often assume the responsibility of deciding; and, in criminal cases, it is always their province to decide, both the law and the fact. The ablest judge, however, (from the fallibility of human understanding, or the imperfections of memory) may misconceive a point of law, suddenly suggested on the trial of a cause: And the most intelligent jury will not, in any case, pretend, intuitively, to perceive and to pronounce what is the law of the land.

But, instead of multiplying the means (as it would seem reasonable to do) for assisting the memory of a judge, or informing the conscience of a jury, upon occasions the most interesting to the fame, the fortune, or the life of a citizen; the resolution forbids any advocate, *or other person*, to read, within our courts, a precedent, however venerable, or an adjudication, however apposite, unless it has taken place in some court within the United States. It is true, that our advocates are not expressly forbidden to *narrate* the precedents and adjudications of foreign authors and tribunals; though they are forbidden to *read* them. But, when we reflect upon the conflict of duties and opinions, the diversity of dispositions and talents, which every important cause is calculated to display, at the bar; the substitution of a *recital*, for the *perusal*, of a legal authority, will be found to furnish a much less advantageous medium of information to the judge, and to the jury; while it must obviously, be productive of more partiality, uncertainty, and delay, in the administration of justice.

2. Because the exception, from the general prohibition, by which precedents and adjudications, that have taken place, in any court within the United States, are permitted to be read in the courts of Pennsylvania, is arbitrary and illusive.

If the precedents and decisions of the courts of the individual States, and the United States, were founded upon the same code of laws; if they embraced all the cases, that would arise under that code; and if they were regularly noted and reported; we might, perhaps, safely be content with the resources of domestic wisdom, and proudly shut our eyes against the light of foreign science. If, however, no such uniformity exists in the systems of American jurisprudence; no such scope of judicial investigation; and no such publicity of decision; an arbitrary determination to reject all practical benefit, from the learning and experience of other nations, would, probably, be deemed, by the civilized world, more remarkable for its prejudice, than for its policy.

It is then an obvious truth, that the members of the Union differ from each other, in the theory and details of their juridical institutions; and the limited jurisdiction of the federal courts, operating principally, and only occasionally, upon national subjects, can furnish little, by way of authority, or of information, to the municipal tribunals of the individual states. The laws of property, inheritance, and dower; of process and practice, in civil suits; and of crimes and punishments; are essentially dissimilar: And thus the permission to read, in our courts, the precedents and adjudications of other courts, within the United States, is, in effect, the grant of a barren right, which there is no temptation to enjoy, and, rarely, an opportunity to exercise.

But why, it may be fairly asked, confine our means of improvement, our sources of information, in matters of jurisprudence, to the local boundaries of the United States; while the professors of every other science, and the masters of every art, may gather the fruits of human genius and knowledge, throughout the world, to enrich their studies, and to invigorate their judgments. The physician, in the crisis of his patient's fate, may resort to foreign aid, in order to overcome what is difficult, or to explain what is doubtful. The minister of the gospel can select from every school, of every country, a commentary upon his holy text. And the astronomer, navigator, merchant, farmer, and mechanic, are equally uncontrolled, in the use of all that they can obtain, whether at home or abroad, to enlighten their minds, to augment their skill, and to facilitate the performance of their duties.

Shall then the knowledge, necessary to the administration of justice, be permitted to enter our tribunals only in one direction, and at a single avenue? And, if there are not any American precedents or adjudications to read (say even on the trial of a capital cause) shall the advocate be without an argument for his client; the judge, without a guide for his opinion; and the jury, without instruction for their verdict; because, by a legislative decree, no other precedents or adjudications (however direct and cogent) can be read in the courts of Pennsylvania!

- I pray you, gentlemen, to estimate, with your usual good sense, and candor, the consequences of such an interdiction ; and, I think, you will perceive, not only the general mischief of the prohibition, but the particular illusion of the exception to its operation. For, after all, it is proposed to accept a copy, though we refuse the original ; and to read, for authority, or illustration, the precedents and adjudications of American courts, founded, as is commonly the case, upon those very books, which we are forbidden to read, to understand, and to apply for ourselves.

3. Because the resolution would, in many cases, deprive us of the best, and, in some cases, of the only, evidence of the law of the land.

The law of Pennsylvania consists of various branches. By our federal compact, the constitution, laws, and treaties of the United States are supreme. The constitution and laws of the State, form the next branch, in dignity and obligation. And, under the authority of our constitution and laws, it is expressly declared, in an act of the year 1777 (passed with great legislative wisdom, amidst all the passions of the revolutionary conflict) ‘ That the common law, and such of the statute laws of England, as were in force in the Province, shall be in force and binding on the inhabitants of this State ;’ subject only to exceptions, which were proper, to render the adoption consistent with the recent independence, and the republican structure, of our government.

But, to these principal branches of the law of Pennsylvania, there are incidents inseparably attached ; which, in the exercise of the judicial power, extend over an almost boundless field of jurisprudence. To adjust some controversies, the law of nations, in peace or in war, must apply the rule.

On the business which occupies the Orphans’ and the Registers’ courts, we are, principally, guided by the civil law ; by that law, which every nation in Europe has borrowed, in a greater or in a less degree, from the institutes of the ancient Roman empire ; without a symptom of fear, as for an act dangerous to their independence ; or a sense of shame, as for an act derogatory to their wisdom.

The law of merchants pervading the whole commercial world, is the standard of decision, upon questions of navigation, trade, insurance, and other innumerable grounds of litigation, produced by the spirit of mercantile enterprize. And the construction and operation of any foreign contract, that may become the foundation of a suit, in our courts, must be conformable (not to the municipal law of Pennsylvania, but) to the law of the country, in which the contract was made.

Upon this summary of the law of Pennsylvania, let it be admitted, that, for the commentary as well as for the text of our constitution and laws, American precedents and adjudications afford the best evidence; must it not, on the principle of that admission, be equally clear, that the precedents and adjudications of England, are the best evidence of that portion of the common and statute law of England, which, by words of general reference, and not in terms of specific re-enactment, has been incorporated into the law of Pennsylvania?

Yes, it would be absurd to say, that, when we adopted a foreign law, the legitimate evidence of that law was not virtually and necessarily adopted. Hence, from the epoch of the revolution to the present time, the precedents and adjudications of the English common and statute law, so far as they were in force in Pennsylvania, on the 14th day of March, 1776, have been read, as authority, in our courts: But English precedents and adjudications subsequent to that day, although often read by way of information, or to support an argument from analogy, have never been obligatory upon our judges, any more than the precedents and adjudications of France, Spain, or Holland.

The best evidence of the adopted law, lying thus plainly before us, in the venerable works of its sages, or in the authoritative judgments of its ministers; why should we be compelled to use only the secondary evidence of American precedents and adjudications, where any such exist? And, where none such exist, why should we be debarred from the use of the only certain and satisfactory evidence of a law, which the legislature has declared to be in force, and binding, upon all the inhabitants of the state?

But let us even surrender to prejudice, or to pride, the advantage of consulting the English authorities, upon points of law, which are as much the law of Pennsylvania, as of England; there remains, for serious consideration, the expediency of excluding from our courts, every foreign precedent and adjudication, upon the law of nations, the civil law, the law of merchants, and, as to foreign contracts, the municipal laws of foreign countries. Can it be denied, in the existing state of a youthful, though a great, a wise, and a virtuous nation, that, independent of foreign precedents and adjudications, we must be, in these respects, more like a ship upon the ocean, without a rudder, or a compass? For, in these respects, who are the authors, which are the courts, within the United States, to whose precedents and adjudications we can, exclusively, appeal for instruction and authority?

A foreign code is here, in truth, the only evidence of the law. And the resolution that forbids an advocate, a judge, and jury to resort, in court, to that code, forbids them, in effect, to learn and to understand the general rule, which it is their duty to apply, at the very moment when its application is required.

THOMAS M'KEAN.

Lancaster, December 3, 1807.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

GENTLEMEN,

Towards the close of the last session of the Legislature, a bill was presented for my consideration, entitled, 'An act to alter and amend the act, entitled, 'An act to provide for the settlement of public accounts;' which I have directed to be returned to the House of Representatives, with the following reasons of objection and dissent:

1. The office of the Treasurer is, in its nature and in its uses, merely ministerial: But the bill proposes to render it an office of pre-eminent authority and jurisdiction; in a way that neither public policy, nor private justice, appears to warrant. For instance, the existing laws give to the Comptroller and Register the power to settle the public accounts, in the first instance: If they

disagree, the Governor's concurrence with one of them, is necessary to the settlement; and, from any settlement of the department of accounts, an appeal lies to the supreme court; where the party may enjoy the benefit of a trial by jury. But the present bill supersedes the authority of the Governor, and renders the decision of the Treasurer, alone, absolute and conclusive, upon every difference of opinion between the Comptroller and Register.

Again. After an account has been settled by the Comptroller and Register, and a warrant has actually been drawn by the Governor, in discharge of the amount found due to the accountant; the present bill vests an arbitrary power in the Treasurer, with or without reason, to suspend the payment of the debt: And, from the exercise of his mere will and pleasure, there can be no appeal, for an injured citizen, to a court of justice; no application for redress to the general superintending authority of the executive magistrate.

Again. The power to settle an account, and the power to pay, or to suspend the payment of the balance appearing due, when a warrant has been issued, are powers which it would seem improper to unite in the same office, since they can easily be converted into instruments of oppression; or may, imperceptibly, become temptations to favoritism and corruption.

2. But this investment of an individual officer with the power, not only to suspend the payment of the public debts, but the payment of the official compensations of every member of the executive and judicial departments, is calculated to impair the public confidence in the operations of government, to undermine the foundations of public credit, and to create, for the Treasurer, an undue and dangerous influence, at the expence of the higher grades of public officers.

3. The constitution gives to the Legislature, the appointment of the State-Treasurer; but, obviously, considers the Treasurer merely as a ministerial officer, exclusively employed in receiving and paying public money. To confer upon the Treasurer, powers, which are not naturally incident to such an office, is, in effect, to create a new office; and operates as an encroachment

upon the general constitutional authority of the executive magistrate, to appoint all the officers of the Commonwealth.

4. The bill proposes to abolish the right of appeal to the supreme court; and to substitute, for the trial by jury, an investigation, in the last resort, by a joint committee of five Members, appointed by the two Houses of the General Assembly. In this operation, we perceive a direct, unqualified union of legislative and judicial powers, inconsistent with the express provisions, and obvious spirit of the constitution. We perceive, also, a direct, unqualified subversion of the trial by jury; while the legislative tribunal, contemplated as a substitute, to decide upon matters in controversy between the state and individuals, must, in truth, be considered as acting, at once, in the double character of judge, and of party.

Similar trespasses have, indeed, been heretofore made upon the constitution; but the council of censors solemnly condemned them; and the Legislature, in various acts, corrected the errors that had been introduced.

THOMAS M'KEAN.

Lancaster, December 3, 1807.

On motion,

Mr. Pennell, Mr. Hiester, and Mr. Lattimore were appointed a committee to examine and report the business which remained unfinished at the close of the last session.

On motion,

Mr. Vance, Mr. Brady, Mr. Dorsey, Mr. Heston, and Mr. Hiester, were appointed a committee of accounts.

On motion,

Mr. Brady, Mr. Laird, and Mr. Blocher, were appointed a committee to examine and report, what laws will expire previously to the meeting of the next General Assembly.

Moved by Mr. Roberts and Mr. Vance,

Resolved, That a committee be appointed to inquire, and make report, if any, and what alterations may usefully and conveniently be made, by law, in the Land-Office, the Departments of Accounts, and of the Trea-

surey; and that the said committee be authorized to call upon the principals of said departments, for such information relative to their respective offices, as they may find necessary.

Ordered, to lie upon the table.

Mr. Smith and Mr. Ingham, a committee of the House of Representatives, informed the Senate, that they were instructed to introduce the Speaker and Members of the Senate to the chamber of the House of Representatives, to receive from the Governor his communications.

Whereupon,

The Speaker and Members of the Senate proceeded to the chamber of the House of Representatives.

And, after some time, returned to their own chamber.

Whereupon,

The Speaker informed the Senate, that, after the Governor had finished his address to the General Assembly, he delivered into the hands of the Speaker a copy thereof; and,

Thereupon,

The address was read, as follows, *to wit*:

Gentlemen of the Senate, and

Gentlemen of the House of Representatives,

Amidst all our solitudes for the peace of the Union, we cannot contemplate the increasing prosperity of Pennsylvania, without yielding to emotions of pleasure, and of gratitude. In discharging the annual duty of presenting to the Legislature a statement of our public affairs, I have never, indeed, seen greater cause for felicitation, than at the present crisis; when the patriotism, energy, and opulence, of the individual States, have become peculiarly important to the maintenance of the national honor and independence. Our cities, towns, villages, and farms, bespeak, in every direction, the wealth and happiness of an industrious, a moral, and an intelligent people. The institutions for disseminating useful knowledge; for affording aid and comfort to the poor, and the afflicted in body or in mind; and for executing the laws to punish or to reform, offenders: give assurance of a benevolent, and an efficient policy. And, under the promised auspices of the Legislature, the zeal and

spirit of private citizens, which have already done much for public improvement, cannot fail to establish, upon an extensive and permanent foundation, the means of internal intercourse, and commerce, by roads, rivers, and canals.

The extraordinary events, which have induced the President of the United States to convene Congress, (events, which have justly excited the indignation of every American) led also to an immediate requisition of fifteen thousand six hundred and thirty-five men, as our quota of a body of one hundred thousand militia, or volunteers, deemed necessary for the public service. The issue of the measures pursued by the federal government, to vindicate our national rights without an appeal to arms, has not been ascertained; but your attention cannot be too soon, or too assiduously bestowed upon the military state of the Commonwealth. I have, therefore, directed the Adjutant-general to prepare, for your information, an ample report of the number, organization and equipment of our militia, and a particular report relative to the detachment which has been ordered for service. From those documents you must perceive, that the number, as well as the spirit of our militia, will justify the confidence of the government, and of the country; but it must be acknowledged (so many and so great are the defects of the law) that I have been principally indebted for the progress made in executing the President's requisition, to the spontaneous exertions of the enrolled militia, and the patriotic ardor of volunteers. The system requires, therefore, a radical reform. Not only the formation of corps; the periods and modes of training; and the establishment of arsenals and magazines; but the obligation of service, or the privilege of exemption; the right to elect, or be elected for any grade of office; and the power to appoint, or to remove officers in the higher and more responsible grades; are subjects, which experience emphatically suggests for revision and amendment. Every republican must anxiously wish, indeed, to render the militia both in theory and practice, the sword and the shield of the nation. This great object, however, can never be accomplished, unless the use of arms is taught

to our youth, at the public expence, as a branch of early education ; unless an adequate portion of the public treasure is appropriated to military instructions and supplies ; and unless the public spirit of individuals shall be supported by a correct principle of organization, an efficient rule of discipline, which legislative authority can alone sanction and prescribe.

It will not long, gentlemen, be a duty on my part, to direct your attention to the defective state of the administration of justice in Pennsylvania ; though as long as life remains, I shall reflect with pleasure, upon the repeated efforts that have been made to obtain some alteration and amendment. I pray you, therefore, with great deference to your legislative character, and with a grateful attachment to the welfare of our constituents, to take the subject once more into consideration. The defects are exhibited on your records ; they are known to every judge ; they are felt by every suitor ; and they can only be remedied by you. It is surely, then, enough for one to say, at this late period, that justice is delayed, because there are not a competent number of judges to administer it ; that justice is unequally, and imperfectly, administered in civil cases, because juries are empannelled by chance ; and that an error in the administration of justice is irremediable, upon important questions, because from an original decision of the supreme court, there is now no appeal.

On former occasions it has been intimated that some precaution would be necessary to check and subdue a lawless spirit of intrusion, which appeared along the northern and western borders of the state ; but recent occurrences will, more forcibly, impress the danger of this evil upon your minds. A person, assisting the deputy-marshal of the district, in the execution of legal process which issued from the circuit court of the United States for the eviction of an intruder, has been murdered in the county of Beaver. The fact being proved, I did not hesitate, as well upon a sense of federal obligation, as with a view to the general purposes of justice, to proclaim the offer of a reward, for discovering and arresting the offender. But as it has been represented that combinations are formed, in that quarter, to oppose by

violence the authority and operation of the law, under the judgments of the federal courts; all the principles of good faith and sound policy evidently require the co-operation of the state, with the federal government, to condemn and punish, a proceeding, so unwarrantable, so daring, and so destructive. Experience has taught us, too, that such attempts, to be resisted effectually, must be resisted promptly; and, I am confident, that the Legislature of Pennsylvania will neither be wanting in the vigilance, nor in the energy, which the occasion requires.

The records of the General Assembly will exhibit many other subjects, worthy of a share in your deliberations; and, I particularly recommend a general encouragement of schools, and the liberal patronage of public works; especially of such as are connected with the internal trade, and a free communication of the citizens, throughout the state. The health-office, under the judicious management of the present board, has been greatly instrumental in preserving to our city, and its environs, the blessings of health; but the present freedom from a calamity, that has so much afflicted us in former years, ought not to render us inattentive to any improvement which may be suggested, either for the accommodation of commerce, or for multiplying the beneficial precautions against foreign and domestic disease. A provision is wanting for the more speedy, and more extensive publication, of the laws; which cannot be obeyed, and ought not to be obligatory, until an opportunity has been given to know, that they exist. And, upon motives of public economy, as well as public convenience, permit me to renew the expression of a wish, that such general regulations may be adopted, relative to election districts, to fisheries, water-courses, and mill-dams, and in short, to all partial, or private business; as shall be thought the best calculated to save much of the legislative time, and much of the public money, which have been devoted, during every past session, to those, comparatively, inferior objects.

The various duties devolved on the Executive Magistrate, by the acts of the last session, have been performed. It has given me pleasure to subscribe and pay for two

hundred and fifty shares of the stock of the bank of Philadelphia, on account of the state, at par: though the ordinary market price was so advanced, that the difference gained upon the negotiation, by the public, amounts to six thousand eight hundred and seventy-five dollars.

Gentlemen of the House of Representatives,

The permanent revenue of the commonwealth will be adequate (as I am informed by the accounting officers, whose statements will be laid before you) to defray the permanent expences of the government. But, for an enlightened and opulent state, there are objects of expenditure not less interesting than the maintenance of government in its public forms and official routine. Some of these have already been suggested; but others will naturally present themselves to your consideration. And, be assured, that, on every point of policy, as in relation to the militia; or of improvements, as in relation to highways and canals, the approbation and applause of our constituents await the most liberal operations of your patriotism and public spirit. It will not be improper here to remind you, that the time must soon arrive, when a successor to the Executive Office is to be chosen: and, as the Governor's compensation cannot be increased, nor diminished, during the period for which he shall be elected, I trust you will deem it just to augment the salary of that Magistrate, to such an amount as will be at least an equivalent for the depreciation produced, since the present salary was assigned, by the influx of the precious metals, the institution of banks, and other obvious causes.

Gentlemen of the Senate, and

Gentlemen of the House of Representatives,

The happiness of our country, and the mild, but efficient operation of our laws, are the best proofs of the advantages derived from the revolution; and the competency of a popular government to administer and maintain itself. We have felt troubles from within; and we are menaced with troubles from without: but the favor of Divine Providence seems, on every emergency, to rescue us from every cause of sorrow, or of fear. Look back for the space of thirty years, and con-

sider what trials we have passed; what triumphs we have atchieved; and what examples we have given! A national character thus acquired, well deserves all our care to preserve. Every citizen in his station, whether there shall be inevitable war, or honorable peace, can contribute to this effect: but with those in public trust, its preservation becomes a peculiar duty; and, in the execution of that duty, for you, and for myself, I will venture to promise a zealous and faithful co-operation.

THOMAS M'KEAN.

Lancaster, December 3, 1807.

On motion of Mr. Vance and Mr. Hart,

Agreed, That the usual number of copies of the Governor's address be printed for the use of the Members.

On motion,

Mr. Miller, Mr. Mitchell, and Mr. Laird, were appointed a committee to join a committee of the House of Representatives, and form a system of rules for doing business between the two Houses.

On motion,

Mr. Miller, Mr. Hart, Mr. Roberts, Mr. Rahm, and Mr. Rankin, were appointed a committee, in conjunction with a committee of the House of Representatives, to compare bills, and present them to the Governor for his approbation.

Ordered, That the Clerk inform the House of Representatives, of the appointment of the two last named committees.

On motion of Mr. Hart and Mr. Dorsey,

Agreed, That Senate will meet at eleven o'clock in the morning of each day.

Whereupon,

Adjourned till 11 o'clock to-morrow morning.

Friday, *December 4, 1807.*

The Secretary of the Commonwealth presented two several messages from the Governor, which were read, as follow, *to wit* :

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

GENTLEMEN,

The bill entitled, "An act to alter and amend the several laws of this Commonwealth, relative to domestic attachments," which was presented to me near the close of the last session, has not been returned within three days after your present meeting, so that it is now become a law. I have directed it to be returned to the House of Representatives, in which it originated.

THOMAS M'KEAN.

Lancaster, December 4, 1807.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

GENTLEMEN,

The Secretary will deliver herewith to the respective Houses, copies of the reports to me from the several officers of the Accountant and Land Departments.

THOMAS M'KEAN.

Lancaster, December 4, 1807.

The documents accompanying the last message, were severally read, and

Laid upon the table.

Whereupon,

On motion of Mr. Vance and Mr. M'Arthur,

Agreed, That the said documents be entered at large on the Journal.

SIR,

For the information of his excellency the Governor, we inclose to you a general view of the finances of the Commonwealth, comprehending all the monies received at, and payments made out of the Treasury, from the first day of December, one thousand eight hundred and six, to the thirty-first of October, one thousand eight hundred and seven, both days included; which we

have also accompanied with an estimate of the probable receipts and expenditures of the ensuing year, and a calculation of stock of the United States, owned and held by the Commonwealth.

We are, Sir,

Your obedt. Servants,

GEORGE DUFFIELD, *Compt.*
J. KEAN, *Register.*

Department of Accounts, }
Nov. 20, 1807. }

THOMAS M. THOMPSON, Esq.

*RECEIPTS at the Treasury for the last eleven months,
ending with October 31, 1807.*

Balance in the Treasury, Dec. 1, 1806,	\$ 70,723	48
There has been received for lands, old and new purchase,	\$ 31,816	43
Lots in Erie, - - -	1,825	19
in Franklin, - - -	71	52
in Waterford, - - -	187	83
in Warren, - - -	84	71
	<hr/>	33,985 68
Fees of the Secretary's Office,	185	58
of the Land-Office,	10,270	93
	<hr/>	10,456 51
Tavern licences, - - -	-	23,439 10
Auction duties, (old) - - -	15,538	20
(new) canal funds, 9,598	32	
	<hr/>	25,136 52
Court fines, - - -	-	4,486 55
Exempt fines, - - -	-	11,739 37
Militia fines of 1793, - - -	-	326 82
Arrears of state taxes, - - -	-	2,206 50
Loan-Office of 1793, - - -	-	574 8
Interest and principal on stock U. S.	2,444	45
Bank dividends, - - -	-	113,000 0
Tax on writs, - - -	-	2,341 94
Old debts, (C. Biddle) - - -	1,338	34
(Nicholson's)	1,335	
	<hr/>	2,673 34
From Simon Snyder, the overplus of monies which had been advanced him on Speaker's warrants for the daily pay, mileage, and expences of Representatives, - - -	-	4,406 47

\$ 307,940 81

*EXPENDITURES, the Payments in the same time
have been, viz.*

For pay and contingent expences of Repre-		
sentatives,	-	\$ 50,204 75
of Senate,	-	17,169 90
		<u>67,374 65</u>
civil list,	-	55,164 33
associate judges,		14,349 68
brigade inspectors,		4,549 46
		<u>141,438 12</u>
Contingent expences,	\$14,673 32	
Of executive departmt.	3,011 44	
Of Comp. office,	\$15 10	
Reg. office,	167 80	
Surv. office,	81 52	
Sec. Land-of.	252 16	
Recv's office,	178 87	
	<u>695 45</u>	
Militia exp.	\$2,459 23	<u>18,380 21</u>
Under act '93,	410	
Arms,	151 90	
Ordnance,	244 86	<u>3,265 99</u>
Pensions,		4,056 67
<i>Special Appropriations.</i>		<u>25,702 87</u>
For roads and rivers,	-	\$ 8,883 46
academies,	-	2,800
relief of old soldiers, &c.		1,408 67
forfeited estates,	-	16,304 58
public buildings in Erie co.		2,000
		<u>31,396 71</u>
Escheats,	-	30
Pennsylvania claimants (Luzerne)	2,565 57	
Luzerne comm'rs. (old)	265	
(new)	2,000	<u>2,265</u>
Wardens of the port,	-	1,052 9
Stock in Erie turnpike,	-	3,900
in Philadelphia bank,		25,000
Com'rs. collecting Nicholson's debts,	600	
Unfunded debt,	-	1,984 10
Interest on lost certificates,		163 14
		<u>37,559 90</u>
Balance in the Treasury, Nov. 1, 1807,		71,843 21
5		<u>\$ 307,940 81</u>

RECEIPTS.

Balance in the Treasury, November 1, 1807,	\$ 71,843	21
For lands, including lots in Erie, War-ren, &c.	30,000	
tavern licences,	20,500	
dividends on bank stock,	114,000	
fees of Land-office and Secretary's office,	8,500	
exempt fines,	9,500	
court fines,	4,000	
tax on writs,	2,300	
principal and interest on U. S. stock,	2,000	
Loan-offices,	500	
auction duties,	24,000	
	<hr/>	
	\$ 287,143	21

EXPENDITURES.

For expenses of government,	\$ 140,000
brigade-inspectors, (new law)	5,000
militia expenses, arms, &c. (old law)	5,000
do. pay to officers, (new law)	14,500
Luzerne claimants,	25,000
balance to Erie turnpike,	500
stock held in trust,	500
sundry unpaid appropriations for roads, academies, &c.	20,000
auction duties appropriated for ca-nal funds,	24,000
contingencies & special appropriations,	5,500
pensions,	4,200
balance which will remain in the Treasury, December 1, 1808,	42,943
	<hr/>
	\$ 287,143

21

Loan-Office, Pennsylvania, June 8, 1807.

Notice is hereby given, that in conformity with the provisions of the act supplementary to the act entitled, "An act making provision for the redemption of the whole of the public debt of the United States," books will be opened at the office of the Commissioner of Loans for Pennsylvania, on the first day of July next, to continue open until the seventeenth day of March, one thousand eight hundred and eight, inclusively, the fourteen last days of each quarter excepted, for the purpose of receiving subscriptions for such parts of the old six per cent. deferred six per cent. and three per cent. stocks, as may on the day of subscription stand on the books of the said Commissioner of Loans.

Those proprietors of the old six per cent. and deferred stocks, who may subscribe, will receive in lieu thereof a new six per cent. stock, equal to the unredeemed amount of the stock surrendered, redeemable at the pleasure of the United States, under a proviso however, that no reimbursement shall be made except for the whole amount of any such new certificate of stock, nor till after six months previous notice: And the proprietors of three per cent. stock, who may subscribe, will receive in lieu thereof a six per cent. stock, equal to sixty-five per cent. of the amount of three per cent. surrendered, redeemable in the same manner as the new six per cent. above mentioned; but not reimbursable however without the assent of the holders, until after the whole of the new six per cent. (given in exchange for old six or deferred as above mentioned) as well as the whole of the eight per cent. stock of the United States shall have been reimbursed. It is also provided, that in every reimbursement which may take place, a preference will be given to those creditors who may notify their wish to be reimbursed, and that if the applications to that effect shall, at any time, either exceed or fall short of the sum then applicable to that purpose, the priority of payment shall, so far as may be necessary, be determined by lot.

The present stockholders, who reside in any part of Europe and may assent to that modification, may at their option receive the interest accruing on the new stock,

either in the United States as heretofore, or in London or Amsterdam, at par, in which last case the interest will be paid there by the bankers of the United States, six months subsequent to the day on which the same would be payable in the United States, and subject to no variation nor to any other deduction than a commission to the bankers of one half per cent. on the interest thus paid.

STEPHEN MOYLAN,
Commissioner of Loans.

Note.—Proprietors of one thousand dollars nominal six per cent. subscribed before October 1, 1807, will be entitled to receive \$ 649 62 of new six.
If subscribed between October 1, and December 31, 1807, 644 37
If subscribed between January 1, and March 17, 1808, 619 3
Proprietors of one thousand dollars nominal deferred, subscribed before October 1, 1807, will be entitled to receive - - 855 78
Subscribed between October 1, and December 31, 1807, 853 62
Subscribed between January 1, and March 17, 1808, - - 831 42

Being the unredeemed amount of the old stock, on the first July and October, one thousand eight hundred and seven, and first January, one thousand eight hundred and eight, respectively.

Proprietors of one thousand dollars three per cent. stock, will be entitled to receive six hundred and fifty dollars of new six.

By a late act of Congress, supplementary to the act “making provision for the redemption of the whole of the public debt of the United States,” it is provided, that the holders of certificates of the old six per cent. stock, of the new or deferred stock, and of the three per cent. stock, may subscribe the same upon the books of the commissioners of loans; and shall receive in lieu of such stock subscribed, certificates for the real amount, bearing an interest of six per cent. and

redeemable at the pleasure of the United States. Upon examination, it appears, that the terms offered are fair and equitable, and not disadvantageous to the subscribing party. By the present arrangement, the six per cent. stocks are melting down, by the annual payment of two per cent. on the principal. The certificate of old sixes, which on its face appears nominally to be one hundred dollars, is really, on the first January, one thousand eight hundred and eight, only sixty-one dollars and ninety-one cents; thirty-eight dollars nine cents having already been paid by the almost imperceptible operation of the principles upon which it is funded.

The Commonwealth now holds, exclusive of stock held in trust for individuals—

Of the old sixes, twenty-three thousand seven hundred and two dollars forty-nine cents, which, if subscribed between the first of January and third of March, one thousand eight hundred and eight, would, at six hundred and nineteen dollars three cents for each thousand, produce	\$ 14,672 55
Of the deferred, one hundred and forty-seven dollars eighty-two cents, at eight hundred and thirty-one dollars forty-two cents for each thousand,	122 90
Of the three per cent. seven thousand five hundred and seventy-seven dollars forty-two cents, at six hundred and fifty for each thousand,	4,925 32
	<hr/>
	\$ 19,720 77

If the Legislature should think proper to take any order on the subject, it will be seen by reference to the law, that it must be done before the third of March next. Should they direct the subscription to be made, the Commonwealth would then have remaining of stock held in trust—

Of old sixes,	\$ 2,317 73
new do.	1,158 87
three per cents,	1,034 43
	<hr/>
	\$ 4,511 3

A REPORT of the Secretary of the Land-Office of Pennsylvania, to the Governor, in compliance with his request, signified by the Secretary of the Commonwealth, on the twentieth day of November, one thousand eight hundred and seven.

THE Secretary of the Land-Office has the honor to report to the Governor the following statement of arrears, together with the current business transacted in his office since his last annual report.

Arrears of Patents.

The returns of survey on which patents have been granted, remain unrecorded from the sixth day of May, one thousand seven hundred and seventy-five, to March, one thousand seven hundred and eighty-one. From the twenty-seventh day of March, one thousand seven hundred and eighty-one, to the twenty-eighth day of April, one thousand and ninety-four, they have been recorded. And from the said twenty-eighth day of April, one thousand seven hundred and ninety-four, to the first of January, one thousand eight hundred, they still remain unrecorded; but, from the last mentioned period of time, to the date of this report, they have been recorded.

Warrants.

The applications for lands on which warrants have been issued, remain unrecorded from the twentieth day of September, one thousand seven hundred and ninety-four, to the first day of January, one thousand eight hundred. Since the date of his last report to his excellency, of those applications, upwards of three thousand six hundred and eighteen have been recorded and indexed. Of this important class of papers which yet remain unrecorded, are all those that were received during the course of five years and three months; amounting, perhaps, in number, to near forty thousand. From the first day of January, one thousand eight hundred, to the present date, they have been duly recorded.

Current Business.

The number of patents granted since the last report, amount to about eight hundred and sixteen.

The number of warrants issued during the last year, amount to about two hundred and twenty. The purchase money and office fees, on some of them, remain

due to the Commonwealth, and will be hereafter received.

Amount of fees received since his last report, four thousand eight hundred and sixty-two dollars five cents.

The foregoing statement contains the usual points of interest on which it has been held of importance his Excellency should stand advised; but the Secretary considers it a duty he owes to his Excellency, to lay before him such other matters as pass under the immediate view of his department. He would, therefore, with respect, request his particular attention to *two* points which arise out of the last supplement to the law passed the fourth day of April, one thousand seven hundred and ninety-nine, relating, wholly, to the claims of those citizens who are called Pennsylvania claimants and Connecticut settlers, within the Seventeen Towns in the county of Luzerne. It would appear that the Legislature who passed that act, predicated it upon the sole ground, that the *right of soil* had been justly, because judicially decided to be in Pennsylvania. In conformity to that principle, he finds them fixing the Decree of Trenton as the epoch, at which all grants from under the Connecticut companies were to cease. Those therefore which had been made before that period, were, on certain conditions, to be admitted under that law; and those, if any, that were subsequently issued by those companies being contrary to the declared laws of this Commonwealth, were consequently null and void. In pursuance of this principle, he finds, by the fifth section of the said act, two important conditions must have been performed by those settlers who held rights under those companies: one was, that those claimants were "*actually settlers there, at or before the time of the said Decree of Trenton;*" and the other was, that the "*rights or lots were particularly assigned to the said settlers, prior to the said decree, &c.*" In consequence of this liberal policy adopted on the part of the state of Pennsylvania, founded on the principles of *occupancy and rights assigned prior to the Decree of Trenton*, many hundreds of the Connecticut claimants have received their evidences of title from this government.

Under the supplement to the aforesaid act, which was

passed the ninth day of April last, a further time was given to the Pennsylvania claimants and Connecticut settlers, who had not embraced the limitations of the former laws. The first section of this supplementary act only includes a partial portion of the rights for lands in the Seventeen Towns issued under this state, and allowed to the owners thereof to the first day of August, then next following the date of the said law, to release the same to the Commonwealth. The Land-Office titles embraced within this last provision, are all such as were "acquired by warrants and survey prior to the twenty-eighth of March, one thousand seven hundred and eighty-seven." The same section has given a material preference to the Connecticut claimants, in extent of time, over the Pennsylvania claimants, by allowing to the former two full months longer to submit their claims to the Land-Office. In consequence, however, of the shortness of the time thus given to the Pennsylvanians, and the law itself not having been promulgated for general information, until a few weeks before its limitation expired; but three or four releases were executed and received at the office. Those persons, therefore, who hold lands under the state, lying within the Seventeen Towns, before they can obtain compensation for them, must either pray the Legislature again to extend the time, or pursue the more tedious and expensive mode of bringing their suits at law against the Commonwealth, under the ninth section of the supplement, passed the sixth of April, one thousand eight hundred and two.

There is one other point arising out of the construction of the second section of the last supplement, that the Secretary takes the liberty to bring within the notice of his Excellency. It directs the commissioners in "examining the claims of the Connecticut claimants already submitted, or those which may be hereafter submitted to the lands, within the (said) Fifteen Townships, shall not require the same to have been *occupied prior to the Decree of Trenton*, but the same lands to the several applicants certify; if under the regulations of the Susquehanna company, at any time they should otherwise thereto be entitled."

By the words, it is considered in some degree ques-

tionable, whether the previously established principles of the fifth section of the original law of one thousand seven hundred and ninety-nine, have not been materially changed and extended, so far, at least, as relates to the claimant under Connecticut rights. And if so, whether, in that case, an encouragement has not been incidentally held out to those companies to make *new grants* and *new claims*, for all the lands within the bounds of the Seventeen Townships; provided those rights were made "under the rules and regulations of the Susquehanna company, and *before the twenty-eighth of October last.*" Should this idea be considered correct as to the effects of this supplemental law, will it not follow as a natural consequence, that the *right of soil*, supposed to have been settled and established to be in Pennsylvania by the Decree of Trenton, has been virtually abandoned on the part of Pennsylvania? For, if it be on the principle of *equity*, that claims under this law have been admitted in favor of the Connecticut claimants against the Pennsylvania title, without any regard having been had to settlements made on the lands by the applicants, under rights granted agreeably to the regulations of the companies since the Decree of Trenton—will not the same plea of equity extend with equal force, to all other claims to lands within this state, for which they may hereafter think proper to exhibit titles derived from the same source? The effects, however, whatever they may be, will, in the event, evince the extent to which its operation may go, and of the consequences resulting from a departure from the principles fixed by the Decree of Trenton, and recognized by the said act of April the fourth, one thousand seven hundred and ninety-nine.

All which is, with respect, submitted.

ANDREW ELLICOTT,

Secretary of the Land-Office.

—
Surveyor-General's Office, November 23, 1807.

DEAR SIR,

HAVING in my former annual report, given to your Excellency a full representation of the manner of conducting the business of the Surveyor-General's

office, and also of the condition of the books and papers remaining in the same; a repetition on these points, I presume, is unnecessary.

Contrary to my wishes, I was last spring under the necessity of removing the office from the house I had for some time occupied. I am happy however to find, that the situation I have procured is much more agreeable.

The improvements which have been for some time in operation, of newly arranging the warrants, and transcribing the warrant and application books, are progressing as rapidly as can be expected in a business of so much labor and difficulty.

The fees received in the office in one year, ending on the thirtieth day of September last, amount to three thousand seven hundred and eight dollars.

I have the honor to be,

Your Excellency's obed't.

Humble Servant,

SAMUEL COCHRAN.

His Excellency the Governor.

Receiver-General's Office,

SIR, *Lancaster, November 21, 1807.*

IN obedience to your directions communicated by the Secretary of the Commonwealth, I have the honor to submit the following Report:

It is with pleasure I can inform your Excellency, that the great mass of back-business which was left in an unfinished state, has nearly been brought up and posted. The books are now in such a state of forwardness, that it is confidently expected they will be completed in the course of the ensuing summer. Upwards of twenty-seven thousand accounts have been posted within the last year, exclusive of the current business, which is regularly kept up.

The specie received and paid into the Treasury, within the year ending the thirtieth September last, is as follows, viz.

Old Purchase.

For lands granted on warrants, including warrants for islands in the rivers Delaware, Lehigh and Susquehanna,

§ 1,853

	<i>Brought forward,</i>	\$ 1,853
Principal redeemed on tracts settled for patenting,	\$ 6,186 74	
Interest received on ditto,	18,888 44	
	<hr/>	25,075 18

Amount of old purchase, \$ 26,928 18
New Purchase.

For lands granted on warrants issued at seven pounds ten shillings and five pounds per cent.	\$ 3,567 70	
Principal redeemed on tracts settled for patenting,	427 27	
Interest received on do.	2,769 71	
	<hr/>	3,196 98

Amount of new purchase, \$ 6,764 68
Town Lots.

Principal redeemed on lots sold in the town of Erie,	\$ 1,878 3	
Interest received on do.	103 59	
	<hr/>	1,981 62

Principal redeemed on lots sold in the town of Franklin,	\$ 48 50	
Interest received,	23 2	
	<hr/>	71 52

Principal redeemed on lots sold in the town of Warren,	\$ 68 73	
Interest received,	15 98	
	<hr/>	84 71

Principal redeemed on lots sold in the town of Waterford,	\$ 177 33	
Interest received,	10 50	
	<hr/>	187 83

Amount of town lots, \$ 2,325 68

\$ 36,018 54

	<i>Brought forward,</i>	\$ 36,018 54
	<i>Office Fees.</i>	
Amount of fees received,	-	2,223 70
Amount received,		<u>\$ 38,242 24</u>

<i>Recapitulation.</i>			
	Principal.	Interest.	Amount.
Old purchase,	\$8,039 74	\$18,888 44	\$26,928 18
New purchase,	3,994 97	2,769 71	6,764 68
Town lots,	2,172 59	153 9	2,325 68
	<u>\$ 14,207 30</u>	<u>\$ 21,811 24</u>	<u>\$ 36,018 54</u>
Office Fees,	-	-	2,223 70
			<u>\$ 38,242 24</u>

Within something more than six years, the sum of three hundred and two thousand three hundred and forty dollars sixty-one cents have been received and paid into the Treasury, including Receiver-General's certificates redeemed within the same time. Of this amount, six thousand eight hundred and nine dollars fifty-nine cents have been received in cash from Connecticut claimants, exclusive of four thousand one hundred and eighteen dollars twenty cents secured by mortgage, agreeably to law.

Receiver-General's Certificates.

Balance outstanding of those certificates issued under an act of the ninth March, one thousand seven hundred and ninety-six, entitled, " <i>An act to compensate David Meade and others,</i> "	-	-	\$ 554 37
Outstanding of those issued under an act of second March, one thousand eight hundred and five, entitled, " <i>An act for the relief of John Hughes,</i> "	-	-	120 77
And, on the nineteenth of May last, a certificate was issued in conformity to a certified copy of an act of Assembly passed the fourth day of March, one thousand eight hundred and seven, entitled, " <i>An act for the relief of William Sherard,</i> " amounting to			277 22
Amount,			<u>\$ 952 36</u>

No part of which has been redeemed within the last year.

I have the honor to be,
Very respectfully, Sir,
Your obedient Servant,
JOHN M'KISSICK.

*The Hon. Thomas M'Kean, }
Governor of Pennsylvania. }*

Mr. Miller presented the petition of Alexander Robeson, a citizen of New-York, by James Orbeson his attorney, stating, That the said Robeson became possessed by regular purchase, of a certain certificate of depreciation debt, which had been issued in favor of Major Michael Ryan, by the state of Pennsylvania: That, upon presenting the said certificate to John Nicholson, formerly Comptroller-General, for the purpose of dividing it into smaller certificates, the said Nicholson detained it: That, in the settlement of the accounts with the United States, the state of Pennsylvania was allowed a credit for the said certificate. The petitioner therefore prays the Legislature to authorize him to institute a suit against the state, for the recovery of the amount of the said certificate and interest thereon. And the said petition was read, and

Laid upon the table.

Mr. M'Arthur presented the petition of Thomas Atkinson, editor of the "Crawford Weekly Messenger," stating, That he received a commission from the Governor, dated the fifth of March, one thousand eight hundred and seven, to print and publish in his paper the laws of a public or general nature, passed during the then session of the Legislature, which he performed: That he had published a number of the laws previously to receiving information of the resolution of the General Assembly of the ninth of April last (declaring that no law should be published in the newspapers at the public expence): That, as he conceived the said resolution could not have a retrospective effect, he presented his account for adjustment to the accounting officers, who refused to admit the same. He therefore prays relief.

And the same was read, and

Laid upon the the table.

On motion of Mr. Wayne and Mr. Hart,

Agreed, That Mr. Vance, Mr. Brady, and Mr. Wayne, be a committee to arrange the several subjects contained in the Governor's address, and report them to the Senate.

Agreeably to the order of the day, the Senate proceeded to the election of Sergeant-at-Arms and Door-keeper (the Clerks being first appointed tellers); and, upon counting the votes, it appeared that William Wilson was unanimously chosen Sergeant-at-Arms, and Adam Hart, Door-keeper.

Whereupon,

The Speaker administered the usual qualifications to William Wilson and Adam Hart.

The Clerk of the House of Representatives presented two several extracts from the Journal of that House; which were read, as follow, *to wit*:

"In the House of Representatives,
"December 2, 1807.

"On motion,

"Mr. Leib, Mr. Hare, and Mr. Jennings, were appointed a committee to confer with a committee of the Senate, (if that House shall appoint such committee) and report a system of rules for conducting business between the two Houses."

"In the House of Representatives,
"December 2, 1807.

"On motion,

"Mr. Porter, Mr. Stevenson, and Mr. Trimble, were appointed a committee, in conjunction with a committee of the Senate (if that House shall appoint such committee) to compare bills, and present them to the Governor for his approbation."

On motion of Mr. Roberts and Mr. Hart,

Agreed, That the choice of Clerk be the order of the day for Wednesday next.

Adjourned till 11 o'clock to-morrow morning.

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Saturday, *December 5, 1807.*

A letter from the Secretary of the Commonwealth was read, informing that he had laid before the House of

Representatives sundry proceedings taken before William Montgomery, esquire, of Northumberland county, and Jesse Fell, esquire, of Luzerne county, in the cases of William Potts and John Marcey, justices of the peace, in conformity with the act respecting complaints against justices of the peace. And the same was

Laid upon the table.

Mr. Pennell, from the committee to whom were referred on the second instant the proposals of the several printers for the Journal and Bills of the Senate, made the following report, *to wit*:

That the committee have taken the same into consideration, and find, that for the Journal in the English language, John R. Mathews, and in the German, Henry Grimler, are the lowest, and for the Bills, William C. Smyth.

Mr. Pennell, from the committee appointed for that purpose on the third instant, made report, in part, as follows, *to wit*:

The committee appointed to examine the files, and bring forward the unfinished business, report, in part,

1. *Item*, Petition of Edmund Milne.

2. *Item*, Report of a committee on the petition of the subscribers, inhabitants of the Northern Liberties, praying that the said Liberties may be divided for election purposes.

3. *Item*, Report of a committee on the petition of the subscribers, inhabitants of Northumberland county, respecting roads.

4. *Item*, Report of a committee on the petition of the trustees of Northumberland Academy.

5. *Item*, Report of a committee on the petition of the subscribers, inhabitants of Derry township, Northumberland county, for an alteration in their election district.

6. *Item*, Report of a committee on the subject of weights and measures.

Whereupon,

On motion, and by special order,

The said report was again read, and the following order taken thereon:

1. *Item*, On motion of Mr. Vance and Mr. Dorsey, postponed generally.

2. *Item*, On motion of Mr. Sommer, and Mr. Wayne, postponed for the present.

3. *Item*, Referred to Mr. Laird, Mr. Martin, and Mr. Mitchell, to consider and report thereon.

4. *Item*, Referred to Mr. Laird, Mr. Heston, and Mr. Rankin, to consider and report thereon.

5. *Item*, On motion of Mr. Laird, and Mr. Mitchell, postponed for the present.

6. *Item*, Referred to Mr. Dorsey, Mr. Roberts, and Mr. Sommer, to consider and report thereon.

Mr. Roberts, from the committee to whom was referred on the third instant the petition of Ann Rambo, executrix, and Jacob Shainline, executor of the last will and testament of Abraham Rambo, on leave now given, reported the bill, entitled "*An act to enable Ann Rambo, executrix, and Jacob Shainline, executor of the last will and testament of Abraham Rambo, to execute a deed of conveyance for a lot of ground in Upper Merion township, Montgomery county;*" which was read the first time.

Mr. Vance, from the committee to whom was yesterday referred the Governor's address, made report as follows, *to wit*:

That they have duly considered the same, and are of opinion, that it naturally divides itself into these general heads, *viz.*

1. The militia establishment.

2. Judiciary system, and mode of selecting jurors.

3. The recent opposition given to the Marshal, in the execution of process issued by the circuit court of the United States.

4. Public schools.

5. Health laws.

6. More speedy and more extensive publication of the laws.

7. General regulations as to election districts, fisheries, water-courses, &c.

To all of which, the attention of the Legislature is called by the Governor. The committee therefore recommend, that committees be appointed on each of the above items, with instructions to consider and report thereon.

Whereupon,

On motion, and by special order,

The said report was again read, and the several items referred, as follow, *to wit* :

1. *Item*, Referred to Mr. Mitchell, Mr. Sommer, Mr. Martin, Mr. Campbell, and Mr. Pennell, to consider and report thereon.

2. *Item*, Referred to Mr. Wayne, Mr. Brady, Mr. Vance, Mr. Roberts, and Mr. Slaymaker, to consider and report thereon.

3. *Item*, Referred to Mr. Sommer, Mr. Martin, and Mr. M'Arthur, to consider and report thereon.

4. *Item*, Referred to Mr. Brady, Mr. Blocher, Mr. Laird, Mr. Pennell, and Mr. Rahm, to consider and report thereon.

5. *Item*, Referred to the Members representing the district composed of the city of Philadelphia, the county of Philadelphia, and the county of Delaware, to consider and report thereon.

6. *Item*, Referred to Mr. Vance, Mr. Slaymaker, and Mr. Laird, to consider and report thereon.

7. *Item*, Referred to Mr. Hart, Mr. Mayer, and Mr. Rahm, to consider and report thereon.

The petition of Catharine Karl, read on the third instant, was again read, and referred to Mr. Miller, Mr. Heston, and Mr. Lattimore, to consider and report thereon.

On motion of Mr. Roberts and Mr. Pennell,

Agreed, That the choice of printers be the order of the day for Monday next.

The petition of Alexander Robeson, by his attorney James Orbison, read yesterday, was again read, and referred to Mr. Miller, Mr. Wayne, and Mr. Roberts, to consider and report thereon.

The petition of the subscribers thereto, inhabitants of Chester county, respecting the injuries arising from dogs, read on the second instant, was again read, and referred to Mr. Wayne, Mr. Pennell, and Mr. Hiester, to consider and report thereon by bill or otherwise.

Adjourned till Monday morning, 11 o'clock.

Monday, *December 7, 1807.*

Mr. Mitchell presented the petition of Thomas Campbell, a citizen of the county of York, stating, That he purchased a certain plantation in Manahan township, in said county: That, in the year one thousand seven hundred and eighty-one, the agents of forfeited estates sold seventy-four acres of the said land, as the confiscated estate of William Rankin, to Bernard Hubley: That, as the petitioner was engaged in the services of his country, and at a distance from home, he was not acquainted with the transaction till some time after his return, when the said Hubley brought an ejectment for the possession of the said seventy-four acres of land; and, on a trial before a circuit court, a verdict and judgment were rendered to the petitioner: but, as he has been thereby subjected to heavy expences in defending his title, he deems it but reasonable that the state (whose officers put him to these expences) should remunerate him. He therefore prays relief. And the said petition was twice read, and referred to Mr. Mitchell, Mr. Sommer, and Mr. Heston, to consider and report thereon.

Mr. Pennell, from the committee appointed to examine the files and bring forward the unfinished business, made further report, as follows, *to wit:*

7. *Item*, Resolution respecting the presentation of petitions, &c. to the General Assembly.

8. *Item*, A bill entitled, “*An act to provide for the erection of a house for the employment and support of the poor, in the county of Cumberland.*”

9. *Item*, A bill entitled, “*An act making appropriations for the repairs of public roads, in several of the counties of this Commonwealth.*”

10. *Item*, A bill entitled, “*An act for the relief of Francis Johnston.*”

11. *Item*, A bill entitled, “*A further supplement to the act entitled, “An act to incorporate the city of Philadelphia.”*”

12. *Item*, A bill entitled, “*An act to authorize the Governor to subscribe on behalf of the Commonwealth, for shares in certain turnpike roads.*”

13. *Item*, A bill entitled, "*An act allowing the Philadelphia bank to establish branches.*"

14. *Item*, A bill entitled, "*An act to repeal in part an act entitled, 'An act for the sale of unappropriated islands in the rivers Ohio, Allegheny, and Delaware.'*"

15. *Item*, A bill entitled, "*A further supplement to an act entitled, 'An act for laying out, making, and keeping in repair, the public roads and highways within this Commonwealth.'*"

16. *Item*, A bill entitled, "*An act granting to Edward Beeby a tract of donation land.*"

Whereupon,

On motion, and by special order,

The said report was again read, and the further consideration postponed for the present.

Agreeably to the order of the day, the Senate proceeded to the election of printers, (the Clerks being first appointed tellers) and, upon counting the votes, it appeared that William Greear was chosen to print the Bills, Henry Grimler the Journal in the German language, and William C. Smyth the Journal in the English language.

Ordered, That the Clerk acquaint the Secretary of the Commonwealth of the appointment of printers, in order that the requisite sureties may be entered in the Secretary's office according to law.

The Clerk of the House of Representatives presented for concurrence, "*A resolution for supplying certain Members, &c. of the present Legislature, with Carey & Bioren's edition of the Laws, together with Bioren's seventh volume;*" which was read the first time.

The bill entitled, "*An act to enable Ann Rambo, executrix, and Jacob Shainline, executor of the last will and testament of Abraham Rambo, to execute a deed of conveyance for a lot of ground in Upper Merion township, Montgomery county,*" was read the second time, considered by section, and agreed to.

Ordered, That the said bill be prepared for the third reading.

The petition of the subscribers thereto, inhabitants of Crawford county, read on the third instant, was again read, and referred to Mr. M'Arthur, Mr. Mitchell, and Mr. Lattimore, to consider and report thereon.

On motion of Mr. Vance and Mr. Hart,

The resolution laid upon the table on the second instant, was again read, considered, and unanimously adopted, as follows, *to wit*:

Whereas our relations with foreign powers stand in a precarious situation, particularly with the government of Great Britain.

And whereas the late outrages committed on our sovereignty, as a free and independent nation, has not, perhaps, been exceeded in the history of civilized nations, and for which it remains uncertain whether that government is disposed to make such acknowledgments and satisfaction, as one independent nation should expect from another; and, as war may probably ensue,

Therefore,

Resolved, That a committee of three Members be appointed by the Senate, to join a committee of the House of Representatives, (should that House think proper to appoint such committee) for the purpose of addressing the general government, expressive of assurances of our support and co-operation in such measures as Congress may think expedient to adopt, relative to the present circumstances in which we stand with the government of Great Britain.

Ordered, That Mr. Vance, Mr. Wayne, and Mr. Mitchell, be a committee for that purpose. And,

Ordered, That the Clerk present an extract of the said resolution to the House of Representatives, for concurrence.

Adjourned till 11 o'clock to-morrow morning.

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Tuesday, December 8, 1807.

The bill, entitled "*An act to enable Ann Rambo, executrix, and Jacob Shainline, executor of the last will and testament of Abraham Rambo, to execute a deed of conveyance for a lot of ground in Upper Merion township, Montgomery county,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The Clerk of the House of Representatives presented for concurrence "*A resolution authorizing and directing the Secretary of the Commonwealth to cause to be printed and distributed a certain number of copies of the law relative to domestic attachments ;*" which was read the first time.

Whereupon,

On motion of Mr. Vance and Mr. Pennell,

And by special order, the said resolution was read the second time ; and, being under consideration,

A motion was made by Mr. Roberts and Mr. Pennell, to amend the resolution by striking out "*Secretary of the Commonwealth,*" and inserting in place thereof, "*Clerk of the Senate,*" so as to make it the duty of the latter, and not the former, to procure to be printed the said act.

Thereupon,

A motion was made by Mr. Vance and Mr. Wayne, to postpone the further consideration of the motion to amend, together with the resolution, for the present ; which was agreed to.

Moved by Mr. Vance and Mr. Martin,

Resolved, That the Clerk be authorized to direct the printer of the Journal of the Senate, to strike off one hundred and fifty additional copies of the Journal, to enable the Clerk to furnish the printers of newspapers and others who may apply for the same.

Resolved, That the Clerk of Senate, as soon as the printing of the Journal and Bills of this session are finished, shall employ a person skilled in printing to examine the same, and report to him, whether they have been done agreeably to the resolution of one thousand eight hundred and two.

Ordered, To be laid upon the table.

The petition of Thomas Atkinson, read on the fourth instant, was again read, and referred to Mr. M'Arthur, Mr. Slaymaker, and Mr. Blocher, to consider and report thereon.

On leave given,

Mr. Dorsey read a bill in his place ; and, by permis-

sion of the Senate, presented the same to the chair, entitled, "*An act to encourage the growing of wool;*" which was read the first time.

Moved by Mr. Wayne and Mr. Roberts,

Whereas the General Assembly of this Commonwealth possess a valuable collection of books; yet, from the confused state of the library, and the total want of system in taking out and re-placing books, and generally the inconvenience, if not ill consequence which must result from the want of the necessary responsibility; for the safety and care of keeping the books being definitely fixed in the same person, form ground of serious regret, and still more serious apprehensions upon this subject.

And whereas a valuable collection of books is a necessary appendage to the Legislature of the Commonwealth; and, as it is improper that they should be suffered to remain in so exposed a state, when a comparatively small expence, with a good system of rules, would not only render them secure, but more generally useful to the Members of the two Houses.

Therefore,

Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby resolved by the authority of the same, That the librarian shall be the Clerk of the Senate and the Clerk of the House of Representatives, alternately; and the librarian for the time being, shall receive at the rate of dollars per annum, to be paid out of the contingent funds of the House of which he was Clerk whilst acting as librarian; and the Clerk of the Senate shall be librarian until the second Tuesday of December, one thousand eight hundred and eight.

Resolved, That the library shall be open from nine o'clock in the morning, until twelve at noon; and from three o'clock until five o'clock in the afternoon of each day (Sundays excepted) during the session; and, on the application of any Member or Clerk, the Governor or any of the heads of department of state, or on their written order, the librarian or his assistant shall furnish such books as may be required, to be returned within one week at the farthest; and, at the same time, the

librarian or his assistant shall make a proper entry of the delivery of such books.

Resolved, That the librarian shall call upon such persons as may have detained any book or books beyond the limited time, and request the return of such book or books; and if at the end of the session there shall be any books not returned, the librarian shall make out a list of such books, with the name or names of such person or persons to whom they were furnished, and shall affix such list in the library room.

Resolved, That the expence which may accrue in fitting up the library room for the better accommodation of the books, shall be paid out of the contingent funds of the respective Houses.

Ordered to lie upon the table.

Adjourned till 11 o'clock to-morrow morning.



Wednesday, December 9, 1807.

Mr. Mayer presented the petition of Adam Hart, Door-keeper, praying to be allowed the expences he is at, in having the wood for the use of the Senate brought into the Senate chamber. And the same was read, and

Laid upon the table.

Mr. Mitchell, from the committee to whom was referred on the seventh instant the petition of Thomas Campbell, made report as follows, *to wit*:

That they have considered the facts and statements therein contained, and believe them true; and therefore submit the following resolution, *viz.*

Resolved, That a committee be appointed to bring in a bill, allowing Thomas Campbell the sum of dollars, for his loss of time, trouble, and expences which he incurred through the error of the agents of the Commonwealth.

Moved by Mr. Roberts and Mr. Hart,

Resolved, That the Clerk of the Senate be, and he is hereby directed to procure for the use of Senate, one copy of the latest American edition of Jacob's

Law Dictionary, and one copy ditto, of Espinassi's Digest of the Practice of Law.

Ordered to lie upon the table.

The Speaker laid before the Senate, a letter from George Bryan, soliciting to be re-appointed Clerk of the Senate; which was read, and

Laid upon the table.

The resolutions offered by Mr. Vance and Mr. Martin, yesterday, directing the Clerk to procure one hundred and fifty additional copies of the Journal of the Senate to be printed; and directing the Clerk to employ a person skilled in printing to examine the printing work of the Senate, were severally read the second time, considered, and adopted.

Agreeably to the order of the day, the Senate proceeded to the choice of Clerk (Mr. Sommer being first appointed teller); and, upon counting the votes, it appeared that George Bryan was unanimously elected.

Whereupon,

The Speaker administered the usual oaths of office to George Bryan.

The Clerk nominated Stacy Potts, jun. as his assistant; in which nomination the Senate concurred.

The resolution for "*Supplying certain Members, &c. of the present Legislature, with Carey & Bioren's edition of the Laws, together with Bioren's Continuation,*" was read the second time, considered, and concurred.

Ordered, That it be returned to the House of Representatives, with information, that Senate have adopted the said resolution without amendment.

On motion of Mr. Wayne and Mr. Roberts,

The Senate resumed the consideration of the resolution "*Authorizing the Secretary of the Commonwealth to procure to be printed and distributed, a certain number of copies of the law relative to domestic attachments.*"

The motion to amend the said resolution recurring.

Whereupon,

It was moved by Mr. Mitchell and Mr. Roberts, and

Agreed, That the said Resolution, together with the motion to amend the same, be referred to a committee to consider and report thereon. And,

Ordered, That Mr. Mitchell, Mr. Wayne, and Mr. Roberts, be the committee for that purpose.

Thereupon,

It was moved by Mr. Vance and Mr. Roberts,

Resolved, That the committee to whom was referred the resolution from the House of Representatives, directing the publication of the law on domestic attachments, be instructed to inquire into the causes why the Laws and Journals of the last session of the Legislature were not delivered at the Prothonotary's office of the respective counties, according as directed by law; and that the committee be authorized to send for persons and papers.

Ordered to lie upon the table.

Whereupon,

On motion of Mr. Brady and Mr. Vance, and by special order,

The said resolution was again read, considered, and adopted.

Adjourned till 11 o'clock to-morrow morning.



Thursday, December 10, 1807.

Mr. Mitchell presented the petition of William Morehead, of Halifax township, in the county of Dauphin, stating, That he now resides at, and is owner of a ferry, heretofore occupied and known by the name of "*Lytle's ferry*," situate on the east side of the river Susquehanna: That he has laid out a town at the same place, called "*Williamsville*." He therefore prays for an act establishing the right of said ferry in him. And the said petition was twice read, and referred to Mr. Mitchell, Mr. Martin, and Mr. Laird, to consider and report thereon.

Mr. Miller, from the committee to whom was referred on the fifth instant the petition of Catharine Karl, on leave now given, reported the bill entitled, "*An act to authorize Jacob Rudizill and George Karl, administrators of the estate of George Karl, deceased, to convey a part of a tract of land therein described to William Young*;" which was read the first time.

On motion of Mr. Mitchell and Mr. Roberts,

Resolved, That the committee, who were yesterday instructed to inquire into the causes of delay in printing and distributing the Laws and Journals of the last session of the Legislature, be further instructed to inquire into the causes of delay in printing and distributing the Militia Law, &c. under a resolution of the thirteenth of April last; and also into the manner and expences of the distribution of the Laws and Journals of the General Assembly.

Adjourned till 11 o'clock to-morrow morning.

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*Friday, December 11, 1807.*

Mr. Mitchell, from the committee to whom was yesterday referred the petition of William Morehead, on leave now given, reported the bill entitled, "*An act to establish a public ferry on the east side of the river Susquehanna in the county of Dauphin, and to vest the right thereof in William Morehead, his heirs, and assigns;*" which was read the first time.

Mr. McArthur, from the committee to whom was referred on the seventh instant, the petition of the subscribers thereto, inhabitants of Crawford county, on leave now given, reported the bill entitled, "*An act to declare certain parts of Muddy creek in the county of Crawford, a public highway;*" which was read the first time.

Mr. Mitchell, from the committee appointed for that purpose, reported the bill entitled, "*An act for the relief of Thomas Campbell, of the county of York;*" which was read the first time.

The resolution, respecting the procuring of certain books, read on the ninth instant, was again read, considered, and adopted.

The resolution, moved by Mr. Roberts and Mr. Vance, read on the third instant, was again read, considered, and adopted, as follows, *to wit*:

Resolved, That a committee be appointed to inquire and make report, if any, and what alterations, may usefully and conveniently be made, by law, in the Land-Office, the Departments of Accounts, and of the Treasury; and that the said committee be authorized to call

upon the principals of said departments, for such information relative to their respective offices, as they may find necessary.

Ordered, That Mr. Roberts, Mr. Brady, Mr. Sommer, Mr. Mitchell, and Mr. Vance, be a committee for the purposes expressed in the said resolution.

Moved by Mr. Roberts and Mr. Hart.

Resolved, That a committee be appointed to inquire if any, and what alteration may, with justice to individuals and to the community at large, be made in the provisions of the act entitled, "*An act to extend to certain turnpike companies therein mentioned, the same powers, rights, and privileges, that are now possessed by the president, managers, and company of the Philadelphia and Lancaster turnpike road.*"

Ordered to lie upon the table.

Adjourned till 11 o'clock, to-morrow morning.

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## Saturday, December 12, 1807.

Mr. Mitchell presented the petition of the subscribers thereto, inhabitants of Rye township, Cumberland county, praying for an alteration in the place of holding their elections: and the same was twice read, and referred to Mr. Mitchell, Mr. Martin, and Mr. Laird, to consider and report thereon.

The bill entitled, "*An act to encourage the growing of wool;*" was read the second time.

Whereupon,

The Senate resolved itself into a committee of the whole (Mr. Brady in the chair) for the further consideration thereof.

And, after some time spent therein,

The committee rose, reported progress, and asked leave to sit again; which was not granted.

Thereupon,

The said bill was referred to Mr. Dorsey, Mr. Wayne, Mr. Mitchell, Mr. Lattimore, and Mr. Rankin, to consider and report thereon.

The petition of Adam Hart, read on the ninth in-

stant, was again read, and referred to Mr. Mayer, Mr. Blocher, and Mr. Gress, to consider and report thereon.

Adjourned till Monday morning, 11 o'clock.

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Monday, December 14, 1807.

Mr. Mitchell, from the committee to whom was referred on the ninth instant, the resolution from the House of Representatives authorizing and directing the Secretary of the Commonwealth to procure to be printed and distributed a certain number of copies of the bill entitled, "*An act to regulate the several laws relative to domestic attachments;*" and who were instructed, on the ninth and tenth instant, to inquire into the causes of delay in printing and distributing the Laws and Journals of the last session of the General Assembly, made report, in part, *to wit*:

The resolution from the House of Representatives, with sundry amendments; which were read as reported.

Whereupon,

On motion, and by special order,

The said report was again read, considered, and adopted.

Thereupon,

The question on adopting the resolution as amended, being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives with information, that Senate have passed the said resolution with amendments, in which the concurrence of that House is requested.

The amendments are—

That the work be done "*as soon as conveniently may be*"—"on good paper"—and "*distributed to the constables of the respective townships, and by them deposited at the usual place of holding public meetings in their respective townships, for the use of the citizens thereof.*"

The resolution relative to the library, was read the second time.

Whereupon,

The Senate resolved itself into committee of the

whole, (Mr. Hart in the chair) for the further consideration thereof.

And, after some time,

The committee rose, reported progress, and had leave to sit again on Monday the twenty-first instant.

Adjourned till 11 o'clock to-morrow morning.

Tuesday, December 15, 1807.

Mr. Miller, from the committee to whom was referred on the fifth instant, the petition of Alexander Robeson, by his attorney James Orbison, made report, as follows, *to wit*:

That, after a very careful and attentive examination of the subject, they find, That, agreeably to an act of the General Assembly passed the eighteenth day of December, one thousand seven hundred and eighty, Abraham Dubois and William Goforth were appointed auditors, to settle the depreciation of pay due to the troops of this state, in the service of the United States; and that, on the twenty-ninth day of March, one thousand seven hundred and eighty-one, the auditors aforesaid certified, That the state of Pennsylvania was indebted to Michael Ryan in the sum of five hundred and forty-five pounds, twelve shillings and six-pence, specie, being the amount of the depreciation of his pay from the first day of January, one thousand seven hundred and seventy-seven, to the twelfth day of April, one thousand seven hundred and seventy-nine. It therefore appears to the committee, that, agreeably to the aforesaid act of the General Assembly, the agents were duly appointed; and that the services for which this certificate was given, were rendered within the proper limits of the act by which they were governed; that they were the sole judges authorized to examine into the vouchers to be produced as evidences of claims whereon to issue such certificates; and that they did issue the above certificate is an indubitable fact. It further appears, that this certificate was regularly conveyed to Alexander Robeson, and stands cancelled in the books of the Comptroller-General; this being the

case, a credit must have passed in favor of this state, to the full amount of the same, in their settlement with the United States. The petitioner, asking nothing further of the Legislature than leave to bring suit against the Commonwealth, is willing to rest the issue on his claim in the decision of a court of law. This appearing so just and reasonable a request, the committee cannot think it would be fair to withhold their compliance therewith.

Therefore,

Resolved, That a committee be appointed to bring in a bill authorizing the petitioner to bring suit for his claim against this Commonwealth, and that the attorney-general be instructed, on the part of the state, to appear in defence thereof.

The bill entitled, "*An act to establish a public ferry on the east side of the river Susquehanna in the county of Dauphin, and to vest the right thereof in William Morehead, his heirs and assigns,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Wayne in the chair) for the further consideration thereof.

And, after some time,

The committee rose, and reported the bill without amendment.

Thereupon,

On motion of Mr. Mitchell and Mr. Martin, and by special order,

The said bill was considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The Clerk of the House of Representatives returned the bill entitled, "*An act to enable Ann Rambo, executrix, and Jacob Shainline, executor of the last will and testament of Abraham Rambo, to execute a deed of conveyance for a lot of ground in Upper Merion township, Montgomery county;*" and informed, that the House of Representatives had passed the same without amendment.

He also informed, that the House of Representatives have concurred the amendments by Senate, to the resolution "*Authorizing and directing the Secretary of the*

Commonwealth to cause to be printed and distributed a certain number of copies of the law relative to domestic attachments."

And he presented for concurrence,

The bill entitled, "*An act vesting a title to sixty acres of land in Somerset township, Somerset county, in certain trustees and their successors, for the benefit of a congregation composed of Presbyterians and Lutherans;*" and an Extract from the Journal of that House.

The bill presented for concurrence, was read the first time.

The Extract from the Journal of the House of Representatives was read, as follows, *to wit:*

"In the House of Representatives,

"December 15, 1807.

"Resolved, That the Legislature will adjourn on Saturday the nineteenth instant, to meet again on Monday the twenty-eighth instant."

Whereupon,

On motion of Mr. Wayne and Mr. Dorsey, and by special order,

The said resolution was again read; and, after debate, the Yeas and Nays on adopting the same, were required by Mr. Vance and Mr. Roberts; and, upon the question being put, the Members voted as follow, *to wit:*

YEAS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Dorsey,
5. Mr. Gress,
6. Mr. Hart,
7. Mr. Heston,
8. Mr. Heister,

NAYS.

1. Mr. Laird,
2. Mr. Martin,
3. Mr. M'Arthur,
4. Mr. Mitchell,

YEAS.

9. Mr. Lattimore,
10. Mr. Mayer,
11. Mr. Miller,
12. Mr. Rahm,
13. Mr. Rankin,
14. Mr. Slaymaker,
15. Mr. Sommer,
16. Mr. Wayne.

NAYS.

5. Mr. Pennell,
6. Mr. Roberts,
7. Mr. Vance,
8. Mr. Lane, *Speaker.*

Sixteen Yeas and eight Nays; by which it appeared, that the question was determined in the affirmative.

Ordered, That the Clerk acquaint the House of Representatives thereof.

Adjourned till 11 o'clock to-morrow morning.



Wednesday, December 16, 1807.

The Speaker laid before the Senate a letter from Thomas Jefferson, President of the United States, (directed to the Speakers of the two Houses) with the enclosure; which were severally read, as follow, *to wit*:

WASHINGTON, December 10, 1807.

GENTLEMEN,

I RECEIVED some time ago from the Speakers of the Senate and House of Representatives of Pennsylvania, an Address from the two Houses, to which, on public considerations, it was thought advisable that the answer should be deferred awhile. I now ask permission to convey the answer through the same channel; and to tender you the assurances of my high consideration and respect.

TH: JEFFERSON.

*The Hon. Presley C. Lanc, Speaker
of the Senate;*
*Simon Snyder, Speaker of
the House of Represen-
tatives of Pennsylvania.*

*TO THE GENERAL ASSEMBLY OF
PENNSYLVANIA.*

I RECEIVED in due season the address of the General Assembly of Pennsylvania under cover from the Speakers of the two Houses, in which, with their approbation of the general course of my administration, they were so good as to express their desire that I would consent to be proposed again to the public voice, on the expiration of my present term of office....Entertaining, as I do, for the General Assembly of Pennsylvania, those sentiments of high respect which would have prompted an immediate answer, I was certain, never-

theless, they would approve a delay which had for its object to avoid a premature agitation of the public mind, on a subject so interesting as the Election of a Chief Magistrate.

That I should lay down my charge at a proper period, is as much a duty as to have borne it faithfully. If some termination to the services of the Chief Magistrate be not fixed by the constitution, or supplied by practice, his office, nominally for years, will in fact, become for life; and history shews how easily that degenerates into an inheritance. Believing that a Representative Government, responsible at short periods of election, is that which produces the greatest sum of happiness to mankind, I feel it a duty to do no act which shall essentially impair that principle; and I should unwillingly be the person who, disregarding the sound precedent set by an illustrious predecessor, should furnish the first example of prolongation beyond the second term of office.

Truth also requires me to add, that I am sensible of that decline which advancing years bring on; and, feeling their physical, I ought not to doubt their mental effect. Happy if I am the first to perceive, and to obey this admonition of Nature, and to solicit a retreat from cares too great for the wearied faculties of age.

For the approbation which the General Assembly of Pennsylvania has been pleased to express of the principles and measures pursued in the management of their affairs, I am sincerely thankful: And should I be so fortunate as to carry into retirement the equal approbation and goodwill of my fellow citizens generally, it will be the comfort of my future days, and will close a service of forty years with the only reward it ever wished.

TH: JEFFERSON.

December 10, 1807.

Whereupon,

On motion of Mr. Hart and Mr. Roberts,

Agreed, That the usual number of copies of the President's Answer to the Address of the last General Assembly, be printed for the use of the Members.

Mr. M'Arthur presented the petition of John Patterson, stating, That he was enlisted as a soldier in the revolutionary war, by Captain Hubley, and served du-

ring part of a year; that he received a wound through the body, at the time the British army crossed the Catawba river; that he was previously, to that period, in actual service of his country more than two years; that he has suffered very much in consequence of his wound: He further states, That he never received any compensation for his services; and therefore prays relief. And the said petition was twice read, and referred to Mr. M'Arthur, Mr. Mayer, and Mr. Slaymaker, to consider and report thereon.

Mr. Mitchell presented the petition of John Ashton, late a lieutenant in the Pennsylvania line, stating, That he entered the service of his country at an early period, and continued therein till the derangement under the resolution of Congress of June, one thousand seven hundred and seventy-eight; upon which he settled in a remote part of Virginia, and had not an opportunity of applying for his pay before the act of limitation was passed: He therefore prays the interposition of the Legislature. And the said petition was twice read, and referred to Mr. Mitchell, Mr. Dorsey, and Mr. Heister, to consider and report thereon.

Mr. M'Arthur, from the committee to whom was referred on the eighth instant, the petition of Thomas Atkinson, made report, as follows, *to wit*:

That the committee have examined the claim of the petitioner, and are of opinion it is founded on an equitable principle; inasmuch as it appears, that the petitioner was commissioned by the Governor, on the fifth day of March, one thousand eight hundred and seven, to publish such laws as were of a general or public nature; and that the resolution which limits the authority of the Governor, was passed the ninth of April, one thousand eight hundred and seven.

Mr. Mitchell, from the committee to whom was referred on the twelfth instant, the petition of the subscribers thereto, inhabitants of Rye township, Cumberland county, on leave now given, reported the bill entitled, "*An act altering the place of holding the elections in Rye township, in Cumberland county;*" which was read the first time.

Mr. Mayer, from the committee to whom was referred

on the twelfth instant, the petition of Adam Hart, Door-keeper, made report, as follows, *to wit* :

That they have taken the subject referred to them, under consideration, and are of opinion, that the prayer of the petitioner ought to be granted; they therefore offer the following resolution to the consideration of Senate :

Resolved, That Adam Hart be allowed extra pay for having wood carried into Senate chamber, and ashes taken away, which shall not exceed twenty-five cents per day; and of which he shall keep a regular account.

The bill entitled, "*An act to establish a public ferry on the east side of the river Susquehanna in the county of Dauphin, and to vest the right thereof in William Morehead, his heirs and assigns,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*An act to declare certain parts of Muddy creek, in the county of Crawford, a public highway,*" was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "*An act for the relief of Thomas Campbell, of the county of York,*" was read the second time.

Whereupon,

The Senate resolved itself into a committee of the whole (Mr. Dorsey in the chair) for the further consideration thereof.

And, after some time spent therein,

The committee rose, and reported the bill with amendments, which were read as reported.

The Clerk of the House of Representatives presented for signature :

1. "*A resolution for supplying certain Members, &c. of the present Legislature, with Carey & Bioren's edition of the Laws, together with Bioren's Continuation.*"

2. "*A resolution authorizing and directing the Secretary of the Commonwealth to cause to be printed and dis-*

tributed a certain number of copies of the law relative to domestic attachments."

Whereupon,

The Speaker signed the same.

Moved by Mr. Vance and Mr. Mitchell.

Resolved, That a committee be appointed to inquire whether any, and if any, what provision should be made, by law, for the defence of the northern and western frontier parts of this state.

Ordered to lie upon the table.

Adjourned till 11 o'clock to-morrow morning.

Thursday, December 17, 1807.

The bill entitled, "*An act to declare certain parts of Muddy creek, in the county of Crawford, a public highway,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*An act for the relief of Thomas Campbell, of the county of York,*" as reported yesterday by committee of the whole, was considered by section.

The first and only section being under consideration,

After debate,

A motion was made by Mr. M'Arthur and Mr. Vance, to postpone the further consideration of the bill, till the fourth of January next; which was agreed to.

The bill entitled, "*An act to authorize Jacob Rudizill and George Karl, administrators of the estate of George Karl, deceased, to convey a part of a tract of land therein described to William Young,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Brady in the chair) for the further consideration thereof.

And, after some time spent therein,

The committee rose, the chairman reported progress,

and had leave to sit again on Tuesday the fifth of January next.

The Clerk of the House of Representatives presented for concurrence, the bill entitled, "*An act to extend an act entitled, 'An act to authorize the Secretary of the Land-Office to sign patents for land and land warrants;'*" and, for signature,

The bill entitled, "*An act to enable Ann Rambo, executrix, and Jacob Shainline, executor of the last will and testament of Abraham Rambo, to execute a deed of conveyance for a lot of ground in Upper Merion township, Montgomery county.*"

Whereupon,

The Speaker signed the said bill.

The bill entitled, "*An act to extend an act entitled, 'An act to authorize the Secretary of the Land-Office to sign patents for land and land warrants;'*" was read the first time.

Whereupon,

On motion of Mr. Mitchell and Mr. Wayne, and by special order,

The said bill was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

Thereupon,

On motion of Mr. Brady and Mr. Wayne, and by unanimous consent, the said bill was read the third time. And,

On the question, "*Shall this bill pass?*" being put, it was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the same without amendment.

Mr. Miller, from the committee appointed for that purpose, made the following report, *to wit*:

The committee appointed to join the committee of the House of Representatives, to compare bills and present them to the Governor for his approbation, report, that they have this day presented to the Governor for his approbation, the bill and resolutions entitled as follow, *to wit*:

1. "*An act to enable Ann Rambo, executrix, and*

Jacob Shainline, executor of the last will and testament of Abraham Rambo, to execute a deed of conveyance for a lot of ground in Upper Merion township, Montgomery county."

2. *"A resolution for supplying certain Members. &c. of the present Legislature, with Carey & Bioren's edition of the Laws, together with Bioren's Continuation.*

3. *"A resolution directing the publication of "An act to alter and amend the several laws of this Commonwealth, relative to domestic attachments."*

Adjourned till 11 o'clock to-morrow morning.

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*Friday, December 18, 1807.*

Mr. Blocher presented the petition of Christian Shockey, of Southampton township, Somerset county, stating, That he served his country during the revolutionary war, in several companies in the Pennsylvania line; that he was severely wounded, and is now incapacitated, by reason of his wound and advanced age, to support himself and a large family: He therefore prays relief. And the said petition was read, and,

Laid upon the table.

The Secretary of the Commonwealth presented two several messages from the Governor, which were read, as follow, to wit:

*"To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

"GENTLEMEN,

"I HAVE this day approved and signed the following Act and Resolutions of the General Assembly, and directed the Secretary to return the same to the respective Houses in which they originated.

1. *"An act to enable Ann Rambo, executrix, and Jacob Shainline, executor of the last will and testament of Abraham Rambo, to execute a deed of conveyance for a lot of ground in Upper Merion township, Montgomery county."*

2. *"A Resolution requiring the Secretary of the Commonwealth to cause the act entitled, "An act to alter and*

*amend the several laws of this Commonwealth relative to domestic attachments to be printed, and to send a certain number of copies to the Prothonotaries of the several counties."*

3. "*A Resolution requiring the Secretary of the Commonwealth to deliver one copy of the laws of Pennsylvania, printed by Carey & Bioren, the seventh volume thereof printed by said Bioren, to each Member of the present Legislature, who has not heretofore received the same, &c."*

"THOMAS M'KEAN.

"*Lancaster, December 18, 1807.*"

"*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

"GENTLEMEN,

"THE Secretary will herewith lay before the respective Houses, copies of a report of the Adjutant-General, relative to the detachment of the Pennsylvania Militia, which has been ordered for service, agreeably to the requisition of the President of the United States; together with the General Orders of the Governor and commander in chief, thereto annexed.

"THOMAS M'KEAN.

"*Lancaster December 18, 1807.*"

The documents accompanying the latter message were severally read, and

Laid upon the table.

The Speaker laid before the Senate, the report of the Secretary of the Land-Office, respecting the expenditure of the extra appropriation for clerk-hire in that office, under the act of the Legislature of the last session. Also an account of the contingent expences in the said office, during the last year.

By the first report it appears, that the following distribution was made by the Secretary of the Land-Office of the extra appropriation, *to wit*:

|                  |   |               |
|------------------|---|---------------|
| David Reyner,    | - | \$ 400        |
| Joseph Ellicott, | - | 400           |
| Ephraim Morton,  | - | 136           |
| George Worrall,  | - | 64            |
|                  |   | ———— \$ 1,000 |

The Secretary remarks, that, independently of the increase of the usual business in the office, there will be a considerable addition, in consequence of a recent application from the North American Land company. That the continuation of the additional allowance for clerk-hire will be indispensably necessary.

The bill entitled, "*An act vesting a title to sixty acres of land in Somerset township, Somerset county, in certain trustees and their successors, for the benefit of a congregation composed of Presbyterians and Lutherans,*" was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

On motion of Mr. Roberts and Mr. Hart.

Resolved, That a committee be appointed to inquire if any, and what further provision ought to be made, by law, respecting the conflicting claims to land in the Seventeen Townships in the county of Luzerne; and that the committee be authorized to report by bill or otherwise.

Ordered, That Mr. Roberts, Mr. Brady, and Mr. Mitchell, be a committee for that purpose.

The report of the committee on the petition of Adam Hart, read the sixteenth instant, was again read, considered, and the resolution attached thereto adopted, as follows, *to wit*:

Resolved, That Adam Hart be allowed extra pay for having wood carried into Senate chamber, and ashes taken away, which shall not exceed twenty-five cents per day, and of which he shall keep a regular account.

The resolution offered by Mr. Vance and Mr. Mitchell, on the sixteenth instant, was again read, considered, and adopted, as follows, *to wit*:

Resolved, That a committee be appointed to inquire and report whether any, and, if any, what provision should be made, by law, for the defence of the northern and western frontier parts of this state.

Ordered, That Mr. Vance, Mr. Wayne, and Mr. M'Arthur, be a committee for that purpose.

On motion of Mr. Laird and Mr. Hiester.

Agreed, That the twelfth item of the report of the committee on unfinished business, *to wit*:

The bill entitled, "*An act to authorize the Governor*"

*to subscribe on behalf of the Commonwealth, for shares in certain turnpike roads,"* postponed for the present on the seventh instant, be referred to Mr. Laird, Mr. Brady, and Mr. Vance, to consider and report thereon.

Adjourned till 11 o'clock, to-morrow morning.

## Saturday, December 19, 1807.

The Clerk of the House of Representatives presented for signature,

The bill entitled, "*An act to extend an act entitled, 'An act to authorize the Secretary of the Land-Office to sign patents for land and land warrants:'*" and he also presented an Extract from the Journal of that House.

The Speaker signed the bill presented for signature.

The Extract from the Journal of the House of Representatives was read, as follows, *to wit*:

*"In the House of Representatives,*

*December 18, 1807.*

"Resolved, That a committee be appointed to join a committee of the Senate, to report to their respective Houses, an address to the general government, expressive of assurances of our support and co-operation in such measures as Congress may think expedient to adopt, relative to the present circumstances in which we stand with the Government of Great Britain. And,

"Ordered, That Messrs. Lacock, Leib, and Boileau, be a committee for that purpose."

The Speaker laid before the Senate, a letter from the Secretary of the Commonwealth, which was read, as follows, *to wit*:

"SIR,

"BY the Governor's directions, I have this day laid before the House of Representatives, returns of the taxable inhabitants and slaves within the several counties of this Commonwealth, except those for the counties of Bucks, Butler, Franklin, Fayette, Huntingdon, Greene, and Warren, which have not been received from the respective county commissioners.

"I am, Sir, very respectfully,

“Your obedient servant,

“T. M. THOMPSON, *Sec.*

“*Secretary's-Office, Lancaster, Dec. 1807.*

“*Hon. Presley Car Lane, Esq. Speaker }  
of the Senate of Pennsylvania. }*

Mr. Hart, from the committee appointed for that purpose, made report, That the committee, in conjunction with the committee of the House of Representatives, have this day presented to the Governor for his approbation, the bill entitled, “*An act to extend an act entitled, “An act to authorize the Secretary of the Land-Office to sign patents for land and land warrants.”*”

Moved by Mr. Hart and Mr. Hiester.

That when Senate adjourn, the adjournment be till four o'clock in the afternoon of the day agreed upon by both Houses; which was adopted.

Whereupon,

In pursuance of a joint resolution of the fifteenth instant,

Adjourned till 4 o'clock in the afternoon of Monday, the twenty-eighth instant.



*Monday, December 28, 1807,*

IN THE AFTERNOON.

The Speaker laid before the Senate, a letter from B. Henry Latrobe, stating, That he is authorized and requested by Messrs. Diedrichs and Co. of New-York, on behalf of Francis Dedrich, and sons, of Ramscheid, near Dusseldorf, in Germany, to propose to supply the state of Pennsylvania with any quantity of arms, either fire or side arms, and accoutrements for cavalry, which may be required; that the most ample security and satisfaction can be given, for the faithful performance of any contract which may be entered into for the delivery of such arms, &c.

And the same was read, and,

Laid upon the table.

Adjourned till 11 o'clock, to-morrow morning.

*Tuesday, December 29, 1807.*

Mr. M'Arthur presented the petition and memorial of the subscribers thereto, inhabitants of the counties lying north and west of the rivers Ohio, Allegheny, and Conewango creek, stating, That many of the memorialists have heretofore been in the habit of laying their grievances before the Legislature, in expectation of having complete justice done to them; but it is with extreme regret that they find themselves constrained to bring to the recollection of the Legislature, their sufferings, and causes which have produced them. The memorialists enter into a narrative of their conflict with the great landed companies, the hardships and expences which they have encountered, in resisting the repeated suits at law in the courts of the United States, which those companies have brought, to deprive them of their lands held by a fair title from the state: They therefore pray the interposition of the Legislature, so that the disputes may be finally terminated. And the said petition was read, and,

Laid upon the table.

On motion of Mr. Vance and Mr. Martin,

The following resolution was twice read, considered and adopted, *to wit*:

Resolved, That the Speaker draw his warrant on the State Treasurer, in favor of William Greear, printer of the Bills of the Senate, for the sum of two hundred dollars, he to be accountable for the same.

Whereupon,

A warrant was accordingly so drawn.

The report of the committee on the petition of Thomas Atkinson, read on the sixteenth instant, was again read, as follows, *to wit*:

That the committee have examined the claim of the petitioner, and are of opinion it is founded on an equitable principle; inasmuch as it appears, that the petitioner was commissioned by the Governor, on the fifth day of March, one thousand eight hundred and seven, to publish such laws as were of a general or public nature; and that the resolution which limits the authority

of the Governor, was passed the ninth of April, one thousand eight hundred and seven.

Whereupon,

It was moved by Mr. M'Arthur and Mr. Slaymaker,

Resolved, by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Governor be, and he is hereby authorized and required to draw his warrant on the State Treasurer, in favor of Thomas Atkinson, editor of "The Crawford Weekly Messenger," for the sum of one hundred and one dollars and fifty cents, to be paid out of any unappropriated money in the State Treasury.

Ordered to lie upon the table.

Adjourned till 11 o'clock, to-morrow morning.

~~~~~

Wednesday, December 30, 1807.

The Speaker laid before the Senate, a letter from John Ross, president of the Easton and Wilkesbarre turnpike road, enclosing an abstract of the accounts of that company, transmitted in pursuance of the act of incorporation.

The following particulars are collected therefrom, *to wit*:

The whole of the road has been completed, and the company are in the receipt of tolls for the whole distance.

Total amount of receipts for shares, penalties and interest on the temporary investment of a part of the funds,	-	\$ 50,174 95
Amount of expences, exploring and surveying, printing, books, &c. treasurer's and secretary's compensation, &c.		
&c.	-	\$ 3,760 37

Carried forward,

Brought forward, \$ 50,174 95

Brought forward, \$ 3,760 87

Paid at different times to the contractor for making the road, - - 45,245 36h

Balance in the hands of the treasurer and other officers of the company, - - 1,168 71h

\$ 50,174 95

The foregoing constitutes what may be called the active capital of the company; to which add the following not yet realized:

Thirty shares sold, but not yet paid, - - \$ 1,500

One hundred and twenty-one do. paid in part, - 2,782 10

Two hundred do. unsubscribed, 10,000

14,282 10

\$ 64,457 5

Amount of toll collected between the second of December, one thousand eight hundred and six, and the fourth of December, one thousand eight hundred and seven, \$ 2,064 90

Deduct expences of erecting gates, toll-keeper's salary, repairs, &c. - 1,372 6

Balance of tolls unexpended, \$ 692 84

Mr. Rahm presented the petition of John Burnheatter, Emanuel Bollinger, and Valentine Weirich, soldiers in the army of the late revolutionary war, stating, That they served their country in the most critical times of her struggle with Great Britain: they acknowledge the receipt of their pay, but that the usual grant of donation land was not extended to them. They therefore pray relief. And the said petitions were read, and

Laid upon the table.

Mr. Rahm also presented the petition of Wendel Fortney, stating, That he served as a soldier in the late revolutionary war, in Captain Kopenhaver's company;

that he was wounded at the battle of Trenton, by which, and the infirmities incident to advanced age, he is rendered unable to maintain himself; and therefore prays relief. And the said petition was read, and,

Laid upon the table.

Mr. Vance, from the committee appointed on the eighteenth instant, for that purpose, made the following report, *to wit*:

That they have given the subject every consideration in their power, and the following is the result of the inquiry: That the northern line of the state of Pennsylvania extends about fifty miles on lake Erie, which is a perfect frontier. From said lake, on the western boundary, as far as the Ohio river, about one hundred miles, covered by detached infant settlements in the Ohio state. From lake Erie, along the New-York line, a distance unknown, and nearly in the same condition. In order to keep danger as far as possible from our own citizens, it will be the interest of this state to aid the settlements in the Ohio state, that join our western boundary. The committee are therefore of opinion, that good rifle guns, a quantity of gunpowder, lead, tomahawks, knives and gun-flints, should be procured, under the agency of a good judge of the quality of those articles; also, that a safe place of deposit should be procured, and means provided for transportation to the place so provided, with a proper person to take the charge of, and be responsible for the safe and well keeping thereof: That officers should be appointed to purchase, transport and issue such provisions and military stores as may be necessary; their pay to commence when their services are needful: That volunteer companies should be raised, officered, and ready at a moment's warning: That dollars should be appropriated for defraying the expences that may accrue in carrying the above principles into complete effect; part to be deposited in the branch bank at Pittsburg, or some other safe place, to be drawn therefrom as necessity may require. The committee therefore offer the following resolution:

Resolved, That a committee be appointed to bring in a bill conformable to the above principles.

The bill entitled, "*An act vesting a title to sixty acres*

of land in Somerset township, Somerset county, in certain trustees and their successors, for the benefit of a congregation composed of Presbyterians and Lutherans," was read the third time.

Whereupon,

On motion of Mr. Brady and Mr. Vance, and by unanimous consent, the bill was amended, by inserting a provision to exempt the said congregation from the payment of "*purchase money*," as well as "*office fees*." And,

Thereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill, with one amendment (as before stated) in which the concurrence of that House is requested.

The Clerk of the House of Representatives presented for concurrence, the bill entitled, "*An act to incorporate the trustees of the second Baptist church and congregation in Philadelphia*," which was read the first time.

The petition of the subscribers thereto, inhabitants of the counties lying north and west of the rivers Ohio, Allegheny, and Conewango creek, read yesterday, was again read, and referred to Mr. M'Arthur, Mr. Harris, Mr. Vance, Mr. Sommer, and Mr. Martin, to consider and report thereon.

The Secretary of the Commonwealth presented a message from the Governor, which was read, as follows, *to wit*:

"To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

"GENTLEMEN,

"I HAVE this day approved and signed the bill entitled, "*An act to extend an act entitled, 'An act to authorize the Secretary of the Land-Office to sign patents for land and land warrants;*" and have directed the Secretary to return it to the House of Representatives, in which it originated.

"THOMAS M'KEAN.

"*Lancaster, December 24, 1807.*"

Adjourned till 11 o'clock, to-morrow morning.

Thursday, December 31, 1807.

Mr. Wayne presented the petition of the subscribers thereto, inhabitants of the counties of Chester, Berks, and Lancaster, stating the advantages that would result to the state at large, but more particularly to the said counties, if a turnpike road was made; to commence at or near the Warren tavern, on the Lancaster and Philadelphia turnpike; thence by Jones' tavern to, or near to the intersection of a road leading from Reading town, with the road from Morgan town towards Philadelphia: They therefore pray for an act to incorporate a company for that purpose. And the same was read, and

Laid upon the table.

Mr. Heston presented the petition of the subscribers thereto, inhabitants of the Commonwealth, stating the great importance of the road from Pocono mountain, to the north line of the state (commonly called the north and south road) which was opened in one thousand seven hundred and eighty-seven and one thousand seven hundred and eighty-eight; and soliciting the Legislature to direct such measures to be adopted, as will realize to the Commonwealth the advantages which the said road, if put in proper order, may produce. And the said petition was read, and

Laid upon the table.

Mr. Harris presented the petition of the subscribers thereto, inhabitants of the township of Ferguson, in the county of Centre; praying, That the said township may be erected into a separate election district; and that the house now occupied by David Nicholson, may be made the place of holding their elections. And the said petition was twice read, and referred to Mr. Harris, Mr. Rankin, and Mr. Lattimore, to consider and report thereon.

Mr. Harris also presented the petition of the subscribers thereto, inhabitants of the township of Potter, in the county of Centre, praying, That the said township (which hitherto was connected with Ferguson township) may be erected into a separate election district; and that the house of John Benner may be fixed on as the

place of holding their elections. And the said petition was twice read, and referred to the before-mentioned committee to consider and report thereon.

Mr. Rahm presented the petition and representation of the subscribers thereto, residents in Londonderry township, Dauphin county, stating, That they were induced by the goodness of the soil and healthiness of situation, to purchase lots of land from William Pahlm and others, upon which they have built and improved, until their improvements have assumed the appearance and name of a town, (Pahlmstown) situate on the state road from Lebanon to Harrisburg; but, to their great disappointment and inconvenience, they have hitherto been unable to procure a sufficiency of water, although much expence and trouble have been incurred to procure it: They therefore pray the Legislature to grant them an act to raise three thousand dollars, by way of lottery, to enable them to accomplish their object. And the said petition was read, and

Laid upon the table.

Mr. Roberts, from the committee appointed for that purpose on the eighteenth instant, made report, in part, to wit:

The bill entitled, "*An act to suspend so much of an act entitled, 'A further supplement to an act entitled, 'An act for offering compensation to the Pennsylvania claimants of lands in the Seventeen Townships, in the county of Luzerne, and for other purposes therein mentioned;'* as may be supposed to authorize the commissioners under the aforesaid original act, to examine claims to lands in the said Seventeen Townships, which have originated since the Decree of Trenton;" which was read the first time.

Mr. Vance, from the committee appointed to join the committee of the House of Representatives, and report an address from the General Assembly to the General Government, reported the following:

To THOMAS JEFFERSON, President of the
United States.

SIR,

THE General Assembly of Pennsylvania cannot refrain, at a crisis so eventful, from mingling their sen-

sibilities with those of their constituents, and conveying to you, as the executive organ of the Government of the United States, their sentiments and their sober determination.

Divested of all foreign partialities, having no country but United America; feeling no attachments but for the land of their nativity or their adoption; and being no partizans but of the principles of liberty, and the rights of nations, they cannot, will not be accused of feeling resentments but for wrongs, and of being resolved on reparation but for aggression and outrage. They feel as Americans, and as Americans they pledge themselves to act, whenever the constituted authorities of their country demand their exertions.

The wrongs which the United States have sustained from Great Britain are manifold and grievous; but that the cup of injury might be made to overflow, the degradation of the American flag, and the murder of American citizens, was the last sad expedient....National honor and independence, duty, interest and the sacred principles of freemen demand reparation; and through you, Sir, do the General Assembly of Pennsylvania, pledge themselves to the nation, to sustain the measures of the General Government to effectuate this object, at the hazard of every thing dear and valuable to man.... Resolved to die freemen rather than submit to become the vassals of Great Britain, they are ready to offer up their persons and their fortunes on the altar of their country.

In the wisdom and patriotism of the General Government they repose with confidence; and to your sincere and ardent exertions to preserve the peace of the nation, so congenial with the maxims and principles of republican institutions, they offer their tribute of sincere approbation.

Moved by Mr. Vance and Mr. Roberts,

That the second reading and further consideration of the said address, be the order of the day for to-morrow.

Moved by Mr. Wayne and Mr. Heston,

That Monday next be assigned for the second reading of said address.

Whereupon,

Agreeably to the eighteenth rule of the Senate, the question was first taken on the last motion, and determined in the affirmative.

Ordered, That the usual number of copies of the said address be printed, for the use of the Members.

Mr. Laird, from the committee to whom was referred on the eighteenth instant, the twelfth item of the report of unfinished business, *to wit* :

The bill entitled, "*An act to authorize the Governor to subscribe on behalf of this Commonwealth, for shares in certain turnpike companies,*" reported the said bill without amendment. And the same was read as reported.

The report of the committee on the subject of the defence of the northern and western frontiers of this state, read yesterday, was again read, considered, and the resolution attached thereto adopted.

Whereupon,

Ordered, That Mr. Vance, Mr. Wayne, Mr. M'Arthur, Mr. Mitchell, Mr. Hiester, Mr. Brady, and Mr. Sommer, be a committee for the purpose expressed in the said resolution.

Adjourned till 11 o'clock, to-morrow morning.

Friday, January 1, 1808.

The Clerk of the House of Representatives informed, that that House have concurred the amendment by the Senate, on the bill entitled, "*An act vesting a title to sixty acres of land in Somerset township, Somerset county, in certain trustees and their successors, for the benefit of a congregation composed of Presbyterians and Lutherans.*" And he presented for concurrence, two bills, entitled as follow, *to wit* :

1. "*An act granting a tract of donation land to James Norris.*"

2. "*An act to raise by way of lottery a sum of money, for the purpose of completing a meeting-house, in the township of Shamoken, Northumberland county.*"

Which were severally read the first time.

Mr. M'Arthur presented the petition of the subscribers thereto, inhabitants of Pymatuning township, Mercer county; praying, That the place of holding their election may be held for the future at the house of Godfrey Karns. And the same was read, and

Laid upon the table,

The Speaker laid before the Senate, a letter from the Register-General, stating, That, in pursuance of the act of fourth of April, one thousand eight hundred and five, he transmits an account of unfunded debt certificates, issued during the last year, together with a list of those redeemed within the same time. The Register also communicates a detailed account of the disbursements in his office, for the contingent expences of the year one thousand eight hundred and seven; and likewise a statement of the expenditure of the monies appropriated to the office of Register-General, for clerk-hire; by which last statement it appears,

That, on the first of January, one thousand eight hundred and seven, a balance remained unexpended, of, - - - \$ 387 78

Which was to compensate clerks till the first of April, then next following; and of which there has been paid,

To Richard M. Crane,	-	-	\$ 200
George Weaver,	-	-	187
			----- 387

The permanent appropriation for clerk-hire to the Register-General's office, is, - - - \$ 866 66

Additional appropriation per act of April 13th last,	-	-	600
			----- 1,466 66

Out of which has been paid,

To R. M. Crane,	-	-	549
G. Weaver,	-	-	549

Balance unexpended, and which is to compensate clerks till the first of April next,	-	-	368 66
			----- 1,466 66

Mr. Wayne, from the committee to whom was referred on the fifth of last month, the petition of the

subscribers thereto, inhabitants of Chester county, on leave then given, reported the bill entitled, "*An act for the better encouragement of the raising and improving the breed of sheep within the county of Chester ;*" which was read the first time.

Mr. Vance, from the committee to whom was referred the sixth item of the report of the committee on the Governor's address, made the following report, *to wit* :

That they have given the subject due consideration, and recommend the following resolution :

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That it shall be the duty of the joint committee of both Houses, who are, or hereafter may be appointed to compare transcribed bills, to determine what laws shall be deemed of a public or general nature, and to signify the same in writing at the end of every such law, and of every resolution of the same nature ; and also to particularize, in writing upon said laws or resolutions, the public papers wherein the same shall be inserted. And it shall be, and is hereby made the duty of the Secretary of the Commonwealth, to cause to be published, at the public expence, the laws and resolutions so designated, and in the papers so particularized, and no other law or resolution.

The bill entitled, "*An act to incorporate the trustees of the second Baptist church and congregation in Philadelphia,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Sommer in the chair) for the further consideration thereof.

And, after some time,

The committee rose, the chairman reported the bill with one amendment ; which was read as reported.

Thereupon,

On motion of Mr. Wayne and Mr. Hart, and by special order,

The said bill was again read, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The petitions of John Burnheatter, Emanuel Bollin-

ger, Valentine Weirich, and Wendel Fortney, read on the thirtieth of last month, were again read, and referred to Mr. Rahm, Mr. Pennell, and Mr. Hart, to consider and report thereon.

The petition of the subscribers thereto, residents in Londonderry township, Dauphin county, read yesterday, was again read, and referred to Mr. Rahm, Mr. Gress, and Mr. Blocher, to consider and report thereon.

Adjourned till 11 o'clock, to-morrow morning.

Saturday, January 2, 1808.

The bill entitled, "*An act to incorporate the trustees of the Second Baptist church and congregation in Philadelphia,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill with one amendment, in which the concurrence of that House is requested; which amendment is as follows, *to wit*:

In Section III. line 22, after the word "*twenty,*" insert the word "*one.*"

The Clerk of the House of Representatives presented for concurrence, the bill entitled, "*An act to incorporate the evangelical Lutheran congregation of Saint John's church in the city and vicinity of Philadelphia;*" which was read the first time.

The bill entitled, "An act to suspend so much of an act entitled, 'A further supplement to the act entitled, 'An act offering compensation to the Pennsylvania claimants of lands in the Seventeen Townships in the county of Luzerne, and for other purposes therein mentioned;' as may be supposed to authorize the commissioners under the aforesaid original act, to examine claims to lands in the Seventeen Townships, which have originated since the Decree of Trenton," was read the second time.

Whereupon,

The Senate resolved itself into committee of the

whole, (Mr. Hart in the chair) for the further consideration thereof.

And, after some time,

The committee rose, and the chairman reported the bill without amendment.

Thereupon,

A motion was made by Mr. Roberts and Mr. M'Arthur, to proceed to the second reading of the said bill as reported by the committee of the whole; which was not agreed to.

On motion of Mr. Mitchell and Mr. Roberts,

Mr. Pennell and Mr. Mayer were added to the committee, who were instructed to inquire into the causes of delay in printing and distributing the Laws and Journals of the last session.

Adjourned till 11 o'clock, Monday morning.

Monday, January 4, 1808.

The Clerk of the House of Representatives presented for concurrence, two bills, entitled as follow, *to wit* :

1. "*An act to change the name of John Powel Hare, to John Hare Powel.*"

2. "*An act to empower the corporation of the German Reformed congregation in Germantown, in the county of Philadelphia, to sell and convey a certain messuage and lot of ground therein mentioned.*"

And he presented for signature, the bill entitled, "*An act vesting a title to sixty acres of land in Somerset township, Somerset county, in certain trustees and their successors, for the benefit of a congregation composed of Presbyterians and Lutherans.*"

Whereupon,

The bills presented for concurrence, were severally read the first time.

The petition of the subscribers thereto, inhabitants of Chester, Berks, and Lancaster, respecting a turnpike, read the thirty-first ultimo, was again read, and referred to Mr. Wayne, Mr. Slaymaker, and Mr. Hiester, to consider and report thereon.

The bill entitled, "An act to suspend so much of an act entitled, 'A further supplement to an act entitled, 'An act for offering compensation to the Pennsylvania claimants of lands in the Seventeen Townships in the county of Luzerne, and for other purposes therein mentioned;' as may be supposed to authorize the commissioners under the aforesaid original act, to examine claims to lands in the said Seventeen Townships, which have originated since the Decree of Trenton," was read the second time as reported by committee of the whole on the second instant, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

According to the order of the day, the Senate resumed the consideration of the bill entitled, "*An act for the relief of Thomas Campbell, of the county of York,*" postponed for the present on the seventeenth of December last.

The first and only section being again under consideration,

A motion was made by Mr. Mitchell and Mr. Heston, to fill the blank with the sum of "*two hundred dollars,*" as a compensation to Mr. Campbell for the loss sustained in defending his title; which was agreed to, and the section as amended, adopted.

The title of the bill being agreed to,

Ordered, That it be prepared for the third reading.

The address to the General Government, as reported by joint committee, December thirty-first, was again read.

Whereupon,

On motion of Mr. Wayne and Mr. Sommer,

The Senate resolved itself into committee of the whole, (Mr. M'Arthur in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the address without amendment.

Thereupon,

On motion of Mr. Vance and Mr. Roberts,

The Senate proceeded to the consideration of said address, as reported by committee of the whole.

Whereupon,

Moved by Mr. Sommer and Mr. Wayne,

That the further consideration thereof be postponed, for the purpose of introducing the following as a substitute, *to wit*:

*To THOMAS JEFFERSON, President of the
United States.*

SIR,

AS the the Chief Executive Magistrate of the Union, the Legislature of Pennsylvania beg leave to address you, to manifest to the General Government, their sentiments and determination at this momentous crisis.

The just policy of the Government of the United States to preserve peace and cultivate a friendly intercourse with all nations, instead of producing corresponding dispositions, having in many instances led to restrictions on our commerce unknown to the law of nations, to the impressment of our seamen, progressing from aggression to aggression until the attack on a national vessel, excited the public sensibility beyond forbearance, when the people, with united voice, expressed their indignation at the violence of an outrage, that, without reparation, left no alternative but war or degradation.

At this crisis, the administration, pursuing the same wise policy that had always dictated a peaceable course, preferring negotiation to the last resort of nations, and thus affording an opportunity to avert the calamities of war, and furnishing another evidence of the superiority of a government, that has no interest to pursue separate from the people, and no rights or honor to vindicate, in which the nation does not participate.

With congenial sentiments, the Legislature of Pennsylvania take this early opportunity of testifying their approbation of measures so wisely calculated to preserve peace; and of expressing their full confidence in the wisdom and integrity of that body in whom the constitution has placed the power of deciding on peace or war; trusting they will exercise it under the awful responsibility and fullest conviction, that the honor, interest and safety of the country admit of no other alternative than war, or a surrender of national rights and a sacrifice of national honor: Under this conviction they pledge them-

selves to co-operate with the general government, within their constitutional limits as a Member of the Union, in all measures that may be deemed necessary to vindicate their rights, secure their liberties and to preserve the independence of their country.

Mr. Heston and Mr. Hart called the Yeas and Nays on the postponement, to introduce the foregoing as a substitute; and, on the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Brady,
2. Mr. Gress,
3. Mr. Harris,
4. Mr. Heston,
5. Mr. Lattimore,

NAYS.

1. Mr. Blocher,
2. Mr. Hart,
3. Mr. Hiester,
4. Mr. Laird,
5. Mr. Martin,
6. Mr. M'Arthur,
7. Mr. Mitchell,

YEAS.

6. Mr. Mayer,
7. Mr. Miller,
8. Mr. Slaymaker,
9. Mr. Sommer,
10. Mr. Wayne.

NAYS.

8. Mr. Pennell,
9. Mr. Rahm,
10. Mr. Rankin,
11. Mr. Roberts,
12. Mr. Vance,
13. Mr. Lane, *Speaker*.

Ten Yeas and thirteen Nays; by which it appeared, that the question was determined in the negative.

Moved by Mr. Harris and Mr. Brady,

That the address be amended, by striking out the words "*Great Britain*," where they last occur, and in place thereof insert "*any nation on earth*."

On which motion, Mr. Hiester and Mr. Pennell called the Yeas and Nays. And,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Brady,
2. Mr. Gress,
3. Mr. Harris,
4. Mr. Heston,
5. Mr. Lattimore,

NAYS.

1. Mr. Blocher,
2. Mr. Hart,

YEAS.

6. Mr. Mayer,
7. Mr. Miller,
8. Mr. Slaymaker,
9. Mr. Sommer,
10. Mr. Wayne.

NAYS.

3. Mr. Hiester,
4. Mr. Laird,

NAYS.

5. Mr. Martin,
6. Mr. M'Arthur,
7. Mr. Mitchell,
8. Mr. Pennell,
9. Mr. Rahm,

NAYS.

10. Mr. Rankin,
11. Mr. Roberts,
12. Mr. Vance,
13. Mr. Lane, *Speaker*.

Ten Yeas and thirteen Nays; by which it appeared, that the question was determined in the negative.

Whereupon,

The Yeas and Nays on adopting the address as reported by committee of the whole, were required by Mr. Laird and Mr. Hart; and, on the question being put, the Members voted as follow, *to wit* :

YEAS.

1. *Mr.* Blocher,
2. *Mr.* Brady,
3. *Mr.* Gress,
4. *Mr.* Harris,
5. *Mr.* Hart,
6. *Mr.* Heston,
7. *Mr.* Hiester,
8. *Mr.* Laird,
9. *Mr.* Lattimore,
10. *Mr.* Martin,
11. *Mr.* Mayer,
12. *Mr.* M'Arthur,

YEAS.

13. *Mr.* Miller,
14. *Mr.* Mitchell,
15. *Mr.* Pennell,
16. *Mr.* Rahm,
17. *Mr.* Rankin,
18. *Mr.* Roberts,
19. *Mr.* Slaymaker,
20. *Mr.* Sommer,
21. *Mr.* Vance,
22. *Mr.* Wayne,
23. *Mr.* Lane, *Speaker*.

By which it appeared, that the question was unanimously determined in the affirmative, and the address adopted.

Ordered, That the Clerk acquaint the House of Representatives, that Senate have concurred in the Address to the General Government, reported by joint committee.

The Clerk of the House of Representatives presented for concurrence, "*A resolution enjoining certain duties on the Master of Rolls;*" which was read the first time.

On motion of Mr. Vance and Mr. Martin,

The following resolution was twice read, considered, and adopted, *to wit* :

Resolved, That the Speaker draw his warrant on the State-Treasurer, in favor of W. C. Smyth, printer of the Journal of the Senate in the English language, for

the sum of four hundred dollars, he to be accountable for the same.

Whereupon,

A warrant was accordingly so drawn.

Adjourned till 11 o'clock, to-morrow morning.

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## Tuesday, January 5, 1808.

The petition of Christian Shockey, read on the eighteenth of last month, was again read, and referred to Mr. Blocher, Mr. Gress, and Mr. Slaymaker, to consider and report thereon.

The Speaker laid before the Senate, a letter from William Findlay, State-Treasurer, enclosing a detailed statement of the contingent expences of that office, during the past year. Mr. Findlay solicits a re-appointment to the office of State-Treasurer, at the ensuing election. And the said letter, with the enclosure, were severally read, and

Laid upon the table.

The bill entitled, "*An act to suspend so much of an act entitled, 'A further supplement to an act entitled, 'An act for offering compensation to the Pennsylvania claimants of lands in the Seventeen Townships, in the county of Luzerne, and for other purposes therein mentioned;'*" as may be supposed to authorize the commissioners under the aforesaid original act, to examine claims to lands in the said Seventeen Townships, which have originated since the Decree of Trenton," was read the third time.

Whereupon,

The Yeas and Nays on the passage of the bill, were required by Mr. Pennell and Mr. Hart; and, on the question being put, the Members voted as follow, *to wit*:

### YEAS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Gress,
4. Mr. Harris,
5. Mr. Hart,

### YEAS.

6. Mr. Hiester,
7. Mr. Laird,
8. Mr. Martin,
9. Mr. Mayer,
10. Mr. M'Arthur,



## YEAS.

11. Mr. Miller,
12. Mr. Mitchell,
13. Mr. Pennell,
14. Mr. Rahm,
15. Mr. Rankin,
16. Mr. Roberts,

## YEAS.

17. Mr. Slaymaker,
18. Mr. Sommer,
19. Mr. Vance,
20. Mr. Wayne,
21. Mr. Lane, *Speaker*.

NAY.—Mr. Lattimore.

Twenty-one Yeas and one Nay; by which it appeared, that the question was determined in the affirmative.

Ordered, That the said bill be presented to the House of Representatives for concurrence.

The bill entitled, "*An act for the relief of Thomas Campbell, of the county of York,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the negative.

And so the bill was lost.

The Clerk of the House of Representatives returned the bill entitled, "*An act to establish a public ferry on the east side of the river Susquehanna, in the county of Dauphin, and to vest the right thereof in William Morehead, his heirs and assigns.*" And informed,

That the House of Representatives have passed the said bill with one amendment, in which the concurrence of Senate is requested. And he also informed,

That the House of Representatives have not concurred in the amendment by Senate, on the bill entitled, "*An act to incorporate the trustees of the Second Baptist church and congregation in Philadelphia.*"

The amendment by the House of Representatives on the first mentioned bill, was read, as follows, *to wit*:

Section I. line 11, strike out the words, "*the said owner or occupier.*"

Whereupon,

On motion, and by special order,

The said amendment was again read, considered, and concurred in.

Ordered, That the Clerk acquaint the House of Representatives thereof.

On motion, and by special order,

The information from the House of Representatives, respecting their non-concurrence of the amendment of Senate, to the bill entitled, "*An act to incorporate the trustees of the Second Baptist church and congregation in Philadelphia,*" was again read.

Whereupon,

Resolved, That Senate recede from their said amendment. And

Ordered, That the Clerk acquaint the House of Representatives accordingly.

On motion of Mr. Laird and Mr. Martin,

The committee to whom was referred on the fifth of last month, the third item of the report of unfinished business, *to wit*:

"The report of a committee on the petition of the subscribers, inhabitants of Northumberland county, respecting roads," were discharged from the further consideration thereof.

Agreeably to the order of the day, the Senate resumed, in committee of the whole, (Mr. Brady in the chair) the consideration of the bill entitled, "*An act to authorize Jacob Rudizell and George Karl, administrators of the estate of George Karl, deceased, to convey a part of a tract of land therein described to William Young.*"

And, after some time,

The committee rose, and reported the bill with amendments; which were read as reported.

The bill entitled, "*An act to raise by way of lottery a sum of money, for the purpose of completing a meeting-house, in the township of Shamoken, Northumberland county,*" was read the second time, considered by section, and agreed to.

Whereupon,

The Yeas and Nays on the question, "*Shall this bill be prepared for the third reading?*" were required by Mr. Roberts and Mr. Hart; and, on the question being put, the Members voted as follow, *to wit*:

#### YEAS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Gress,
4. Mr. Harris,

#### YEAS.

5. Mr. Hart,
6. Mr. Hiester,
7. Mr. Laird,
8. Mr. Lattimore,

## YEAS.

9. Mr. Mayer,
10. Mr. M'Arthur,
11. Mr. Miller,
12. Mr. Rahm,

## NAYS.

1. Mr. Blocher,
2. Mr. Heston,
3. Mr. Martin,
4. Mr. Mitchell,

## YEAS.

13. Mr. Slaymaker,
14. Mr. Sommer,
15. Mr. Wayne,
16. Mr. Lane, *Speaker*.

## NAYS.

5. Mr. Pennell,
6. Mr. Rankin,
7. Mr. Roberts,
8. Mr. Vance.

Sixteen Yeas and eight Nays ; by which it appeared, that the question was determined in the affirmative. And that the said bill be prepared for the third reading.

The bill entitled, "*An act to incorporate the evangelical Lutheran congregation of Saint John's church in the city and vicinity of Philadelphia,*" was read the second time, and considered by section.

Section I. was agreed to.

Section II. being under consideration :

A motion was made by Mr. Sommer and Mr. Mitchell, to postpone the further consideration of the section and bill for the present ; which was agreed to.

On motion of Mr. Roberts and Mr. Pennell,

The following resolution was twice read, considered, and adopted, *to wit* :

Resolved, That the Secretary of the Commonwealth be, and he is hereby directed and required to lay before Senate, such information as may be in his possession, which has been received since his last report, respecting the proceedings of the commissioners appointed under the act of the fourth of April, one thousand seven hundred and ninety-nine, entitled, "*An act offering compensation to the Pennsylvania claimants of lands in the Seventeen Townships in the county of Luzerne,*" &c. and its supplements. And that the Comptroller and Register-Generals be, and they are hereby directed to lay before Senate, an account of the expences and charges for service of said commissioners, and others in their employ, with their contingent expences. And that the Secretary of the Land-Office be, and he is hereby directed to lay before Senate, the number of acres of land certified by said commissioners, to be eli-

gible for patenting under the aforesaid act and its supplements; with the amount of monies paid, and to be paid by the Connecticut claimants for lands so to be patented, and amount of fees that will accrue in patenting said land, together with the surveying fees. And that the Surveyor-General be directed to lay before Senate, the quantity of lands in the Fifteen Townships, in Luzerne county.

Moved by Mr. M'Arthur and Mr. Martin,

Resolved, That the committee to whom were referred the petitions of the actual settlers in that part of this state, situate north and west of the rivers Ohio and Allegheny, and Conewango creek, be, and they hereby are authorized and empowered to send for persons and papers, and to examine any such person or persons as to the authenticity of such papers, and all matters and things in relation thereto, as they shall deem necessary concerning the investigation of the subject for which they have been appointed.

Ordered to lie upon the table.

The resolution relative to the publication of the laws of a public or general nature, in the newspapers, was read the second time.

And, being under consideration,

A motion was made by Mr. Sommer and Mr. Slaymaker, to amend the resolution, by striking out the provision which authorizes the joint committee of the two Houses to designate the newspapers in which the laws shall be published, so that this power may remain in the executive department; which was not agreed to.

The resolution was adopted.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*An act granting a tract of donation land to James Norris*," was read the second time, and referred to Mr. Hart, Mr. Pennell, and Mr. Roberts, to consider and report thereon.

Adjourned till 11 o'clock, to-morrow morning.

*Wednesday, January 6, 1808.*

Mr. Wayne presented the petition of the subscribers thereto, inhabitants of the counties of Chester, Berks, and Lancaster, of the same import with that presented by him on the thirty-first ultimo. And the said petition was twice read, and referred to the committee to whom the former petition was referred.

Mr. Mitchell, from the committee to whom was referred on the twelfth of last month, the petition of John Ashton, made report, as follows, *to wit*: That the committee have duly inquired into the justice and legality of his claim, and are of opinion, that, although his name cannot be found on the records of the state-offices, yet it may appear on those of the war department; and as documents have been laid before the committee, sufficient to prove his rank and services, they therefore offer the following resolution, *to wit*:

Resolved, That a committee be appointed to bring in a bill, allowing John Ashton compensation for his services during the late revolutionary war.

Mr. Brady, from the committee to whom was referred the fourth item of the report of the committee on the Governor's address, respecting schools, on leave now given, reported the bill entitled, "*An act for the establishment of schools throughout this Commonwealth*," which was read the first time.

The bill entitled, "*An act to raise by way of lottery a sum of money, for the purpose of completing a meeting-house, in the township of Shamoken, Northumberland county*," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "*An act to authorize Jacob Rudizell and George Karl, administrators of the estate of George Karl, deceased, to convey a part of a tract of land therein described to William Young*," as reported by committee of the whole yesterday, was taken up for consideration.

Whereupon,

A motion was made by Mr. Wayne and Mr. Miller, to recommit the bill to the committee of the whole; which was agreed to.

Thereupon,

The Senate resolved itself into committee of the whole, (Mr. Hart in the chair) for the further consideration thereof.

And, after some time,

The committee rose, and the chairman reported the bill with further amendments; which were read as reported.

The bill entitled, "*An act to change the name of John Powel Hare, to John Hare Powel,*" was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The "*resolution enjoining certain duties on the Master of Rolls,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Sommer in the chair) for the further consideration thereof.

And, after some time,

The committee rose, and the chairman reported the resolution with amendments; which were read as reported.

Moved by Mr. M'Arthur and Mr. Martin,

Resolved, That the Clerk of the Senate be, and he hereby is authorized and directed to have a sufficient number of copies of one of the petitions from the actual settlers north and west of the rivers Ohio and Allegheny, and Conewango creek, printed for the use of the Members of both branches of the Legislature.

Ordered to lie upon the table.

The resolution offered by Mr. M'Arthur and Mr. Martin yesterday, was again read, considered, and adopted.

Adjourned till 11 o'clock, to-morrow morning.

*Thursday, January 7, 1808.*

The Speaker laid before the Senate, a letter from the Surveyor-General; which was read as follows, *to wit:*

SIR, *Surveyor-General's Office, January 6, 1808.*

AGREEABLY to a resolution of the honorable the Senate of Pennsylvania, passed yesterday, I beg leave to represent, that the only official document in my possession, from which any information can be drawn on the subject of the said resolution, is a general draft of the lots within the Connecticut township of Newport; which, from the said draft, appears to contain about fifteen thousand five hundred acres, and the allowance of six per cent. for roads, &c.

I have taken the liberty of enclosing, for the information of the Senate, an inofficial draft of the Fifteen Townships in Luzerne county, with many others connected; by a comparison of Newport with the other fourteen, a tolerable judgment may be formed of the quantity of land contained in the whole.

I have been prevented by the great press of business in the office, from taking a copy of the enclosed draft; I therefore ask the favor of its return.

Accept, Sir, for yourself and the honorable Senate,  
Assurances of my highest respect,

SAMUEL COCHRAN.

*Presley C. Lane, esquire, }  
Speaker of the Senate. }*

The Speaker also laid before the Senate, the following report from the Secretary of the Land-Office, *to wit:*

*Land-Office of Pennsylvania, January 6, 1808.*

To the Honorable the Speaker and Members of the  
Senate of Pennsylvania.

GENTLEMEN,

IN obedience to the resolution of the Senate, dated the fifth instant, and just handed to me, relative to the proceedings of the commissioners appointed under the act of the fourth of April, one thousand seven hundred and ninety-nine, and its several supplements; I have the pleasure to lay before Senate the enclosed documents,

made out by the commissioners and reported to his Excellency the Governor, who caused them to be delivered over to me. Those documents are voluminous, and, coming from those officers in an official way, contain a *partial* statement of the material points required in the resolution, and is all the report that has ever come to my knowledge or possession.

The certificates made out by the commissioners for the Connecticut claimants, when issued, have been delivered by them to those claimants, or those claiming under them, except perhaps in a few instances; and it is then in the discretion of those persons to come forward and take out patents, when it best suits their own convenience. The consequence therefore is, that it is not within my power to say, what number of acres of land are embraced within the certificates thus issued, eligible for patenting, not knowing the number issued, and the number yet out. I should be happy if I had documents, from which I could give a full and explicit answer to the Senate on this head.

With respect to the monies already paid by the Connecticut claimants to the state, on patents issued, and the amount secured to be paid by mortgages, for the reasons before stated, and the additional reason, that, as the Receiver-General alone who receives the money, can furnish this information, I am sorry to add, I possess no documents in my office from which I can ascertain it.

The honorable Senate will also readily perceive, that it is likewise not in my power to say, what "*amount of monies is to be paid by the Connecticut claimants for land*" yet to be patented. And as to the "*amount of fees that will accrue in patenting said land, together with the surveying fees,*" it is unfortunately not within my power to add any further information, than that which will be found exhibited in the enclosed statements.

It may not be improper however here to add, that, this morning, in a conversation with the Receiver and Surveyor-Generals, on the subject of the surveying fees, receivable as stated in one of the estimates herewith sent, made out by the surveyor to the commissioners, we were of opinion, that, when that subject was formerly before the board of property, they were considered as being too high, or not accurately stated.



There is also another observation, which I beg leave respectfully to make for the information of Senate, with respect to the fees which will accrue on patenting, which is this; that the fees receivable in my office on patents, vary so very much, owing to the number of transfers to be recited therein, that, if I even knew the number of patents yet to be taken out, the precise amount could not exactly be ascertained. And it will appear, that the commissioners have attempted a statement of the office fees receivable on each patent; but they being unacquainted with the requisites on which one of those patents must be founded, have omitted eighty cents on each, for the *warrant of acceptance*. The fee in my office, on a patent founded on a warrant of acceptance without any transfer recited thereon, is four dollars fifty-three cents; and for every transfer recited, the additional sum of twenty cents is charged.

If the whole amount of acres of land, submitted by the Connecticut settlers in the first instance, was accurately known; and if the whole amount of acres which the commissioners have given to them under the law, was also ascertained; and each claimant confined, as *other* land-holders *under the state* are, in taking out his patent to four hundred acres and allowance, or less, a satisfactory estimate could be made. But, as the Connecticut claimants are not, *by the law*, confined in taking out their patents to any *number of tracts* or *quantity of acres* to be allowed in one *patent*, the amount of fees due to the state, must remain for the present in a state of uncertainty. Indeed the documents now exhibited, are by no means whatever as full and perfect as I could wish they were, being confined to but a few of the Seventeen Townships; and whether certificates for the other townships have or have not been made out, and estimates made of the lands contained therein, is, I believe, at present only known to the commissioners and their officers.

All which I respectfully submit,

ANDREW ELLICOTT.

*Secretary of the Land-Office.*

The documents accompanying the said report, were  
Laid upon the table.

The Clerk of the House of Representatives presented for concurrence, the bill entitled, "*An act appointing trustees for the county of Tioga;*" which was read the first time.

Whereupon,

On motion of Mr. Mitchell and Mr. Wayne, and by special order,

The said bill was again read, and referred to Mr. Mitchell, Mr. Wayne, and Mr. Martin, to consider and report thereon.

The bill entitled, "*An act to change the name of John Powel Hare, to John Hare Powel;*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "*An act to authorize Jacob Rudizell and George Karl, administrators of the estate of George Karl, deceased, to convey a part of a tract of land therein described to William Young;*" as reported by committee of the whole yesterday, was considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "*An act to empower the corporation of the German Reformed congregation in Germantown, in the county of Philadelphia, to sell and convey a certain messuage and lot of ground therein mentioned;*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Wayne in the chair) for the further consideration thereof.

And, after some time,

The committee rose, and reported the bill without amendment.

The report of the committee on the petition of John Ashton, read yesterday, was again read. And, being under consideration;

After debate,

A motion was made by Mr. Brady and Mr. Roberts, to postpone the further consideration of the said report, for the present; which was agreed to.

The resolution authorizing the Governor to draw his warrant on the State-Treasurer, in favor of Thomas Atkinson, read on the twenty-ninth ultimo, was again read. And, being under consideration;

After debate,

A motion was made by Mr. M'Arthur and Mr. Wayne, to recommit the said resolution to the committee who reported it, for the purpose of bringing in a bill; which was agreed to.

Adjourned till 11 o'clock, to-morrow morning.

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## Friday, January 8, 1808.

The Speaker laid before the Senate, a letter from the Secretary of the Commonwealth; which was read, as follows, *to wit*:

“SIR,                   “*Secretary's Office, January 7, 1808.*

“IN compliance with the resolution of Senate, of the fifth instant, I have the honor to state, that no report of their proceedings or other documents relative thereto, have been deposited in this office, by the commissioners appointed under the act of the fourth of April, one thousand seven hundred and ninety-nine, entitled, ‘An act offering compensation to the Pennsylvania claimants of lands in the Seventeen Townships, in the county of Luzerne, &c. and its supplements.’ And that I have received no information respecting the proceedings of said commissioners, since the date of my last communication on that subject.

“I am, Sir, with great respect,

“Your obedient servant,

“T. M. THOMPSON, *Sec.*

“*The Hon. the Speaker of Senate.*”

Mr. Dorsey presented the memorial of the subscribers thereto, manufacturers of tin and japanned wares, resident in the city and county of Philadelphia; stating,

That their trade is exposed to an interruption by what are called "Itinerant dealers in tin-ware;" who make and dispose of a very inferior quality of tin-ware, to the great injury of the memorialists as well as the people who become the purchasers: That the abode of these dealers being fugitive, and themselves unknown, the most prevailing motives to the honest execution of their work, and to just practices in exposing it to sale, are taken away. The memorialists therefore pray the attention of the Legislature to their case. And the said memorial was twice read, and referred to Mr. Dorsey, Mr. Hart, and Mr. Rahm, to consider and report thereon.

Mr. Rahm, from the committee to whom was referred on the thirty-first of last month, the petition of the subscribers thereto, inhabitants of Londonderry township, Dauphin county, made the following report, *to wit*:

That the committee have had the same under consideration, and find, That the town of Palmyra, or Pahlms-town, is handsomely situated in a populous part of the country, and generally settled by tradesmen; that the inhabitants have heretofore endeavored, at considerable expence, to obtain water by digging, but have been unsuccessful, and are now under the necessity of hauling that article two miles by waggons, &c. The committee therefore offer the following resolution:

Resolved That a committee be appointed to bring in a bill agreeably to the prayer of the petitioners.

Whereupon,

On motion, and by special order,

The said report was again read, considered, and the resolution thereto attached, adopted.

Ordered That the committee who brought in the report, be a committee for the purpose expressed in the resolution.

The bill entitled, "*An act to authorize Jacob Rudizell and George Karl, administrators of the estate of George Karl, deceased, to convey a part of a tract of land therein described to William Young,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*An act to empower the corporation of the German reformed congregation in Germantown, in the county of Philadelphia, to sell and convey a certain messuage and lot of ground therein mentioned,*" was read the second time as reported by committee of the whole yesterday, considered by section, and agreed to.

Ordered, That the said bill be prepared for the third reading.

Moved by Mr. Roberts and Mr. Hart,

Resolved, That the Governor be requested to lay before Senate, any information in his possession, which has not been heretofore communicated, respecting the commissioners appointed under an act entitled, "*An act for offering compensation to the Pennsylvania claimants of certain lands in the Seventeen Townships, in the county of Luzerne, and for other purposes therein mentioned.*" passed the fourth day of April, one thousand seven hundred and ninety-nine.

Ordered to lie upon the table.

Whereupon,

On motion, and by special order,

The said resolution was again read, considered, and adopted.

Thereupon,

It was moved by Mr. Roberts and Mr. Hart,

That a committee be appointed to present the said resolution to the Governor.

After debate,

A motion was made by Mr. Heston and Mr. Sommer, to postpone the consideration of the motion to appoint a committee, for the present; which was agreed to.

The Secretary of the Commonwealth presented a message from the Governor; which, with the enclosures, were severally read, as follow, *to wit*:

*"To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

"GENTLEMEN,

"AGREEABLY to a request of his Excellency Israel Smith, esquire, Governor of the state

of Vermont, I submit to the respective Houses, copies of a resolution of the General Assembly of that state, on the subject of a proposed Amendment to the Constitution of the United States, relative to the tenure of the office of the Judges of the Courts of the United States; together with a copy of the Governor's letter.

“ THOMAS M'KEAN.

“ *Lancaster, January 7, 1808.*”

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### STATE OF VERMONT.

*In General Assembly, November 4, 1807.*

Whereas there is no provision made in the Constitution of the United States, for the removal from office of any of the Judges of the Courts of the United States, who are rendered incapable of discharging their official functions, for any other cause than such as may subject them to be removed upon impeachment.

And Whereas it appears to this Legislature, that, unless some alteration shall take place, cases may occur, operating the suspension of public justice, and the sacrifice of the public good; evils, which, in our opinion, may be remedied in a manner equally securing all proper independence to the judge, and the distribution of justice to the citizen.

Resolved, therefore, That the Senators in Congress, from this State, be, and they are hereby instructed; and our Representatives in Congress are also requested to use their best endeavors to procure such an Amendment to the Constitution of the United States, as will empower the President of the United States, to remove from office any of the judges of the courts of the United States, upon address to him made, for that purpose, by a majority of the House of Representatives, and two-thirds of the Senate in Congress assembled.

Resolved, also, That the Governor be, and he hereby is requested to forward the foregoing resolution to each of the Senators and Representatives, from this state, in the Congress of the United States; also, to the Executive of each state in the Union, that the same may be laid before their several Legislatures, for their co-operation in procuring said amendment.

*Attest.* MARTIN POST, *Clerk.*

IN COUNCIL, *November 6, 1807.*

*Read and Concurred,*

*Attest.* R. C. MALLARY, *Sec.*

(*A true copy.*) *Attest.* TH. LEVERETT,  
*Secretary of State.*

—  
*RUTLAND, December 7, 1807.*

SIR,

IN obedience to the request of the Legislature of the state of Vermont, I have the honor to transmit to you a copy of a resolution, instructing the Senators and Representatives of this state, in Congress, to use their best endeavors to procure an amendment to the Constitution of the United States, in conformity with the said resolution.

I have the honor to be, with respect,

Your most obedient servant,

ISRAEL SMITH.

*His Excellency the Governor of Pennsylvania.*

The Clerk of the House of Representatives presented for signature, the bill entitled, "*An act to incorporate the trustees of the Second Baptist congregation in Philadelphia.*"

Whereupon,

The Speaker signed the said bill.

Adjourned till 11 o'clock, to-morrow morning.

~~~~~  
Saturday, January 9, 1808.

The Speaker laid before the Senate, a letter from the Comptroller-General and Register-General; which was read, as follows, *to wit*:

SIR, *Department of Accounts, January 8, 1808.*

IN compliance with the resolution of the Senate of the fifth instant, we present a summary statement of the payments and expenditures of the Luzerne commissioners, and others in their employ, since the report made to the Senate, dated January sixteenth, one thousand eight hundred and four.

February, 1804, paid John Steel, commis-		
sioner,	- - - -	\$ 236 50
April, 1804, paid Thomas Cooper,	\$2,000	
April, 1805, ditto,	1,319 31	
	<hr/>	3,319 31
April, 1804, paid John M. Taylor,	\$ 964 32	
June, ditto,	3,000	
October, ditto,	2,000	
April, 1805, ditto,	1,274 61	
May, ditto,	780	
March, 1806, ditto,	862 2	
August, ditto,	227 8	
	<hr/>	9,108 3
March, 1807, George Haines, surveyor,	265	
	<hr/>	\$ 12,928 84

There has also been paid to Scott, Wells and Taylor, commissioners, in advance, under act of April 9, 1807, for which they have not yet accounted :

In June, 1807,	- -	\$ 2,000
November,	- -	1,000
		<hr/> 3,000

The above, and the report of the sixteenth of January, one thousand eight hundred and four, comprehend the whole money paid; all of which has been accounted for, and settled (except the last three thousand dollars.) To attempt giving the account of expenditures in detail, would be a work of much time and labor; if, however, the honorable Senate think the detail necessary, they will please to signify their wish to their obedient servants,

GEORGE DUFFIELD, *Compt.*
JOHN KEAN, *Reg.*

A letter from Jacob Eberman, soliciting to be appointed to the office of State-Treasurer, was read, and Laid upon the table.

The Clerk of the House of Representatives presented an Extract from the Journal of that House; which was read, as follows, *to wit* :

"In the House of Representatives,

"January 9, 1808.

"Resolved, That this House proceed to appoint a teller, to officiate on the part of this House, at the election of State-Treasurer, to be held on Tuesday next.

"Ordered, That Mr. Weber be the teller for that purpose."

Mr. Mitchell presented the petition of the subscribers thereto, inhabitants of Cumberland county; praying for the erection of a house for the employment and support of the poor within the said county. And the same was read, and

Laid upon the table.

Mr. Dorsey presented the petition of the subscribers thereto, Directors of the Farmers' and Mechanics' Bank, in the city of Philadelphia, on behalf of themselves and the other stockholders in that bank; soliciting a charter for the same. The directors make the following offers, to induce the Legislature to grant them a charter:

First. That the state shall be entitled to receive two and an half per cent. on all the nett profits of the institution; the same to be set apart for the use of the state, and made liable to the drafts of the State-Treasurer, previous to any dividends of profits to the stockholders.

Second. That whenever the nett profits of the institution, shall exceed six per cent. per annum, on their capital, the state shall be entitled to receive ten per cent. out of such excess.

Third. That the company will pay to the state, the sum of fifty thousand dollars, and agree to loan to the state, whenever, in the opinion of the Legislature, the public exigencies may require it, fifty thousand dollars, for ten years, at the rate of five per cent. per annum.

Fourth. That the company will subscribe to the amount of one hundred thousand dollars, in the stock of a company to be authorized to make a turnpike road from Harrisburg to Pittsburg, by what is usually called the northern route, through Lewistown, forty thousand dollars of the said stock, to be the property of the state; and the other sixty thousand dollars to belong to the company.

Fifth. That the company will subscribe, in the stock

of the said road company, to the amount of one-third of the whole sum, which may be necessary to complete the said turnpike. *Provided*, That the same shall not exceed the sum of two hundred thousand dollars, for their said proportion; and that they shall not be liable to pay the same, but by such instalments as other subscribers, and only in such proportions as have been actually paid at the time of the requisition.

In case the Legislature should adopt either this or the preceding proposition, it is understood, that the company shall not be bound thereby, unless the whole number of shares, in the stock of the said road company, shall be subscribed, within nine months after an act shall be passed, granting a charter to the applicants; but the General Assembly may decide, by law, which of the other proposals they will accept, which decision shall be binding on the company. *And further*, if the said subscription shall be completed, the company shall be entitled to choose a number of directors, or managers, of the said road company, in proportion to the stock owned by them. The stock held by the company shall be transferable, they being guarantees for the completion of the payments thereon.

Should either of the foregoing proposals be adopted by the Legislature, it is to be understood, that the company shall be incorporated for the term of twenty years, and shall be at liberty to increase their capital to two millions of dollars, whenever they shall judge the same advantageous, and in case of such increase of capital, the company shall pay to the commonwealth, at the rate of two dollars and one half, for every hundred dollars of such additional capital.

Sixth. That the state subscribe for one hundred and fifty thousand dollars, of the capital stock, to be paid as follows: fifty thousand dollars, as a gratuitous payment to be made by the bank. The bank will take the amount of six per cent. deferred, and three per cent. stocks, the property of the state, the two former at par, and the last at sixty-five per cent. these, it is supposed, will amount to about twenty-five thousand dollars. The remainder to be lent to the state by the bank, at five per cent. interest per annum. The bank to retain the divi-

dends on the stock, subscribed by the state, together with the whole capital, until the loan be extinguished. The Legislature to choose four directors, in addition to the number now chosen by the stockholders. The bank to be entitled to extend their capital to any amount, not more than one million two hundred thousand dollars, without paying the state for such addition, as specified in the former proposals.

Seventh. If the Legislature should grant a charter according to any of the foregoing propositions, the company agree to set apart one tenth of their capital, which may remain after complying with such proposition, for loan, at a longer period than usual, to the Farmers of the State, on such security as may be satisfactory to the directors for the time being.

And the said petition was read, and

Laid upon the table.

Mr. Blocher, from the committee to whom was referred on the fifth instant, the petition of Christian Shockey, made the following report, *to wit*: That, by an examination of the documents accompanying the petition, they find, that the petitioner entered the army as a corporal in the eleventh Pennsylvania regiment, at an early period of the revolutionary war, and was afterwards appointed orderly serjeant. They also find, that he was wounded in the left arm, at the siege of Yorktown, in Virginia; in consequence of which, he is not able to obtain a livelihood for himself and family by manual labor. The committee are of opinion, that his case merits legislative attention, and therefore submit the following resolution, *to wit*:

Resolved, That a committee be appointed to bring in a bill, directing, that Christian Shockey be allowed an annuity of forty dollars; to be paid half-yearly, out of the Treasury of the Commonwealth, on warrants to be drawn by the Governor, as in other cases.

Mr. Mitchell, from the committee to whom was referred on the seventh instant, the bill entitled, "*An act to appoint trustees for the county of Tioga*," reported the said bill with amendments; which were read as reported.

The bill entitled, "*An act to empower the corporation of the German Reformed congregation in Germantown, in*

the county of Philadelphia, to sell and convey a certain messuage and lot of ground therein mentioned," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

On motion of Mr. Roberts and Mr. Hart,

The Senate resumed the consideration of the motion to appoint a committee, to present the resolution (respecting the Luzerne commissioners) to the Governor, postponed for the present, yesterday; and,

After debate, agreed thereto.

Ordered, That Mr. Roberts and Mr. Sommer be the committee for that purpose.

On motion of Mr. Hart and Mr. Pennell,

Resolved, That a Member of Senate be appointed teller, to officiate at the election of State-Treasurer, to be held on Tuesday next; and, that a minute thereof be transmitted to the House of Representatives.

Ordered, That Mr. Hart be the teller.

The resolution moved by Mr. M'Arthur and Mr. Martin, and read on the sixth instant, respecting the printing of the petition of "*the actual settlers north and west of Ohio,*" &c. was again read.

Whereupon, after debate,

Mr. M'Arthur withdrew the said resolution.

Adjourned till 11 o'clock, Monday morning.

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*Monday, January 11, 1808.*

Mr. Roberts, from the committee appointed to present the resolution, respecting the Luzerne commissioners, to the Governor, reported, That the committee had performed that service; and that the Governor informed the committee, that he would attend to the request of the Senate.

On motion of Mr. Sommer and Mr. Pennell,

The Senate resumed the consideration of the bill entitled, "*An act to incorporate the evangelical Lutheran congregation of St. John's church in the city and vicinity of Philadelphia.*"

The consideration of section II. recurring;

The question on agreeing thereto being put, was determined in the affirmative.

Sections III. to XIV. inclusively, were severally adopted.

Section XV. being under consideration;

A motion was made by Mr. Roberts and Mr. Martin, to amend the section, by striking from the lines 8 and 9, the following: "*except from misconduct, or some good and sufficient cause;*" referring to the power of removing the pastor or minister.

Whereupon, after debate,

A motion was made by Mr. Vance and Mr. Sommer, to postpone the further consideration of the motion, to amend said bill for the present; which was agreed to.

The petition of the subscribers thereto, inhabitants of Cumberland county, respecting a poor-house, read on the ninth instant, was again read, and together with the eighth item of the report of unfinished business, *to wit*:

The bill entitled, "*An act to provide for the erection of a house for the employment and support of the poor, in the county of Cumberland;*" referred to Mr. Mitchell, Mr. Martin, and Mr. Laird, to consider and report thereon.

The bill entitled, "*An act to appoint trustees for the county of Tioga,*" was read the second time, as reported by special committee on the ninth instant.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Hart in the chair) for the further consideration thereof.

And, after some time,

The committee rose, and the chairman reported the bill with amendments; which were read as reported.

The message from the Governor, communicating the resolution from the state of Vermont, respecting an Amendment to the Constitution of the United States, read on the eighth instant, was again read, and, with the said

resolution, referred to Mr. Roberts, Mr. Brady, and Mr. Mitchell, to consider and report thereon.

Adjourned till 11 o'clock, to-morrow morning.



*Tuesday, January 12, 1808.*

The Speaker laid before the Senate, the following letter from the Governor, *to wit*:

*"To the Senate of Pennsylvania.*

"GENTLEMEN,

"IN answer to your written request of the seventh instant, presented to me this morning, I am to inform you, 'That I have received no report '*respecting the proceedings of the commissioners appointed under 'An act for offering compensation to the Pennsylvania claimants of certain lands within the Seventeen Townships, in the county of Luzerne, and for other purposes therein mentioned;*' which has not been heretofore communicated.

"THOMAS M'KEAN.

*"Lancaster, January 11, 1808."*

The Speaker also laid before the Senate, a letter from William Graydon, author of the "*Justices' and Constables' Assistant;*" containing numerous precedents and forms of practice, deduced from the Acts of Assembly of this state, since its first establishment as a province. A work of this nature, put into the hands of the justices of the peace, he conceives, would tend to produce regularity and uniformity of decision in their proceedings: He therefore solicits the Legislature to authorize the purchase of a certain number of copies, which he promises to furnish at two hundred and fifty cents per copy. And the same was read, and

Laid upon the table.

The bill entitled, "*An act to appoint trustees for the county of Tioga,*" was read the second time, as reported by committee of the whole yesterday, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

A committee of the House of Representatives in-

formed the Senate, That the chamber of the House of Representatives was ready to receive the Speaker and Members of the Senate, for the purpose of proceeding to the election of State-Treasurer, agreeably to law.

Whereupon,

Adjourned till 11 o'clock, to-morrow morning.

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Wednesday, January 13, 1808.

Mr. Rahm, from the committee appointed for that purpose on the eighth instant, reported the bill entitled, "*An act for the relief of the inhabitants of the village of Palmyra, in the township of Londonderry, Dauphin county ;*" which was read the first time.

Mr. Hart, teller on the part of the Senate, at the election of State-Treasurer, held yesterday in the chamber of the House of Representatives, made the following report, *to wit* :

That William Findlay had	86	votes,
Jacob Eberman,	24	votes.

And that, thereupon,

William Findlay was declared to be duly elected Treasurer of the Commonwealth, for the ensuing year.

The following is the state of the poll :

Messrs. Lane, *Speaker*, Blocher, Campbell, Dorsey, Gress, Hart, Heston, Hiester, Laird, Lattimore, Martin, M'Arthur, Mitchell, Pennell, Rahm, Rankin, Roberts, and Vance, of the Senate ;

Messrs. Acker, Appel, Banks, Barnet, Beach, Biddle, Boileau, Brobst, Brown, Bucher, Cope, Darlington, Davis, Dysart, Eichelberger, Engle, Espy, Gemmil, Gettys, Griffin, Gross, Hare, Heyser, Jennings, Kelton, Kerr, Lacock, Leib, Lobengier, Lowrey, Maclay, M'Clellan, M'Clure, M'Comb, M'Farland, M'Kinney, M'Sherry, Mechling, Miner, Moore, Murray, Ogle, Orr, Parke, Pepfer, Rankin, Rinker, Rupert, Savitz, Sergeant, Shearer, Sheetz, Sherman, Shewell, Shulze, J. Smith, R. Smith, W. Smith, Starne, Starrett, Stevenson, Tarr, Thompson, Wallace, Weber, Worthington, Wright, and Snyder, *Speaker*, of the House of Representatives, voted for William Findlay.

Messrs. Brady, Mayer, Miller, Slaymaker, Sommer, Wayne, of the Senate; and

Messrs. Bethel, Clawges, Evans, Gisch, Hulme, Ingham, Joder, Kepner, Kimmel, Martin, Maxwell, Pennock, Porter, Ramsey, Rose, Shaeffer, C. Smith, and Trimble, of the House of Representatives, voted for Jacob Eberman.

The bill entitled, "*An act to appoint trustees for the county of Tioga,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill with amendments, in which the concurrence of that House is requested.

Which amendments are as follow, *to wit* :

Add three additional sections, *to wit* :

Section III. *And be it further enacted, &c.* That the citizens, inhabitants of the said county of Tioga, who are, or shall be qualified to elect Members of the Legislature, agreeably to the constitution and laws of this Commonwealth, shall, at the ensuing general election to be held on the second Tuesday of October next, at the usual election districts in said county, elect three county commissioners; who, when duly elected and qualified to enter on the duties of their offices, shall have and enjoy all and singular, such authorities and privileges, with respect to their county, and shall receive such compensation, as commissioners elected in and for any other county have by law; and the duration of the offices of said commissioners, respectively, shall be determined in like manner, and their places supplied as is directed by law, on the erection of a new county. And, on the election of the said commissioners, the powers of the commissioners of Lycoming county, shall cease and determine in the said county of Tioga.

Section IV. *And be it further enacted, &c.* That it shall and may be lawful for the commissioners aforesaid, or their successors, to call on the commissioners of the county of Lycoming, for the purpose of examining, liquidating, and receiving such balances as shall be

found due to the said county of Tioga, and received to the use of the same, by the Act of the General Assembly of this Commonwealth, passed the third day of February, in the year of our Lord, one thousand eight hundred and six.

Section V. *And be it further enacted, &c.* That so much of any Act or Acts of the General Assembly as is altered or supplied by this act, be, and the same is hereby repealed.

Strike out the preamble.

Amend the title so as to read thus, "*An act supplementary to an act entitled, 'An act for establishing the seat of justice in the county of Tioga.'*"

The Clerk of the House of Representatives presented for signature, the bills entitled as follow, *to wit:*

1. "*An act to raise by way of lottery a sum of money, for the purpose of completing a meeting-house, in the township of Shamoken, Northumberland county.*"

2. "*An act to change the name of John Powel Hare, to John Hare Powel.*"

3. "*An act to establish a public ferry on the east side of the river Susquehanna, in the county of Dauphin, and to vest the right thereof in William Morehead, his heirs and assigns.*"

He presented for concurrence, the bill entitled, "*An act granting a tract of donation land to William M'Cormick.*" And he returned

The bill entitled, "*An act to declare certain parts of Muddy-creek, in the county of Crawford, a public highway.*" And informed,

That the House of Representatives had passed the said bill with one amendment, in which the concurrence of Senate is requested; which amendment is as follows, *to wit:*

Section II. line 6, strike out the words "*shall be prohibited.*"

The Speaker signed the bills presented for signature.

The bill presented for concurrence, was read the first time.

On motion of Mr. Roberts and Mr. Hart,

The following resolution was twice read, considered, and adopted, *to wit:*

Resolved, That the Clerk be hereby directed to inform the Comptroller and Register Generals, that their report of the 9th instant is not satisfactory; and that they are hereby required to lay before Senate, a statement, in detail, of the manner in which the sums drawn out of the Treasury, and which have not hitherto been reported to Senate, as accounted for by the commissioners, under an act of the fourth of April, one thousand seven hundred and ninety-nine, and the supplements thereto, has been by them applied and accounted for.

The letter from William Graydon, read yesterday, was again read.

Whereupon,

The Yeas and Nays, on the question, "*Shall it be referred to a select committee?*" were required by Mr. Roberts and Mr. Pennell; and, on the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Dorsey,
5. Mr. Gress,
6. Mr. Heston,
7. Mr. Laird,
8. Mr. Lattimore,
9. Mr. Martin,

YEAS.

10. Mr. McArthur,
11. Mr. Miller,
12. Mr. Mitchell,
13. Mr. Rahm,
14. Mr. Slaymaker,
15. Mr. Sommer,
16. Mr. Vance,
17. Mr. Wayne.

NAYS.

1. Mr. Hart,
2. Mr. Hiester,
3. Mr. Pennell,

NAYS.

4. Mr. Rankin,
5. Mr. Roberts,
6. Mr. Lane, *Speaker*.

Seventeen Yeas and six Nays; by which it appeared, that the question was determined in the affirmative.

Ordered, That Mr. Laird, Mr. Heston, and Mr. Rankin, be the committee.

Mr. Roberts called for the resolution laid on the table on the eleventh of last month, respecting the appointment of a committee to inquire, whether any alteration can be made, with justice to individuals and the community at large, in the act to extend to certain turnpike companies therein mentioned, the same powers, &c. as are possessed by the Philadelphia and Lancaster turnpike road company.

Whereupon,

The question, "*Shall the resolution be now read the second time?*" being put, was determined in the negative. And,

Thereupon,

Mr. Roberts gave notice, that he would call again for the second reading of said resolution to-morrow.

The amendment by the House of Representatives on the bill entitled, "*An act to declare certain parts of Muddy-creek, in the county of Crawford, a public highway,*" was again read, considered, and concurred in.

Ordered, That the Clerk acquaint the House of Representatives thereof.

On motion, and by special order,

The bill entitled, "*An act granting a tract of donation land to William M'Cormick,*" was read the second time, and referred to Mr. Pennell. Mr. Mitchell, and Mr. Hart, to consider and report thereon.

Adjourned till 11 o'clock, to-morrow morning.

Thursday, January 14, 1808.

The Clerk of the House of Representatives presented for signature, the bill entitled, "*An act to empower the corporation of the German Reformed congregation in Germantown, in the county of Philadelphia, to sell and convey a certain messuage and lot of ground therein mentioned.*"

He informed, That the House of Representatives have adopted the "*Address to the General Government,*" reported by a joint committee of the two Houses, without amendment.

And he presented an Extract from the Journal of that House, which was read as follows, *to wit:*

"*In the House of Representatives,*

"*January 14, 1808.*

"Resolved, That the Address to the President of the United States be signed by the Speaker of the respective Houses, and that they transmit it to the President of the United States."

The Speaker signed the bill presented for signature.

On motion of Mr. Vance and Mr. Martin, and by special order,

The resolution from the House of Representatives, respecting the transmission of the Address to the General Government, was read the second time, considered, and adopted.

Ordered, That the Clerk acquaint the House of representatives thereof.

The Speaker laid before the Senate, a letter from Zachariah Poulson, of the city of Philadelphia; stating, That he is in possession of a few copies of the Minutes of the Convention, which formed the present constitution, which he offers to the Senate at a stated price. And the said letter was read, and

Laid upon the table.

Agreeably to the intimation given yesterday, Mr. Roberts called for the second reading of the resolution, respecting powers granted to turnpike companies.

Whereupon,

The said resolution was again read, as follows, *to wit*:

Resolved, That a committee be appointed to inquire if any, and what alteration may, with justice to individuals and the community at large, be made in the provisions of the act entitled, "*An act to extend to certain turnpike companies therein mentioned, the same powers, rights and privileges that are now possessed by the president, managers, and company of the Philadelphia and Lancaster turnpike road.*"

On motion of Mr. Wayne and Mr. Slaymaker,

The resolution was amended, by inserting between the words "*justice to,*" the following: "*to certain incorporated turnpike companies.*"

Moved by Mr. Roberts and Mr. Hiester,

That the resolution be further amended, by inserting at the end thereof, the following, *to wit*: "*And the committee shall have power to send for persons and papers;*" which was not agreed to.

Thereupon,

A motion was made by Mr. Sommer and Mr. Roberts, to postpone the further consideration of the said resolution, for the present; which was agreed to.

Adjourned till 11 o'clock, to-morrow morning.

Friday, January 15, 1808.

Mr. Dorsey presented the memorial of the subscribers thereto, commissioners appointed by the act of the fourth of April last, to make sale of the powder magazine and buildings belonging thereto, in the city of Philadelphia, with the lot or square on which they are erected; and, with the proceeds of such sales, to purchase lots, and erect other buildings in lieu thereof; stating, That, in pursuance of the directions of the said act, the commissioners sold the said magazine and buildings, with the lot belonging thereto, and purchased a lot in a more suitable situation; that considerable progress had been made in erecting a suitable building thereon, when they were prevented from completing the same, by the frost setting in unusually early, which also injured the arches of the buildings; and that, to finish the powder-house agreeably to the intent of the Legislature, in their act of the fourth of April, one thousand eight hundred and seven, a much larger sum will be required than the old property sold for: The commissioners therefore pray the attention of the Legislature. And the said petition was read, and

Laid upon the table.

Mr. Vance, from the committee of accounts, made report, in part, as follows, *to wit*: That the committee have examined the account of George Bryan, Clerk of the Senate, for preparing and furnishing Indexes to the Journal of the Senate, from the commencement of the present constitution, to, and including the last session of the Legislature, agreeably to a resolution of the Senate of the seventeenth of December, one thousand eight hundred and six, *to wit*:

Seventeen sessions, at fifty dollars per session,	
each session forming a distinct Index,	§ 850
Deduct paid the Clerk by a warrant on the State-	
Treasurer, March 26, 1806,	500
Balance due the Clerk,	§ 350

(Five of which Indexes were prepared within the years to which they respectively belong, and furnished to the

Senate during their last session; and the remainder prepared between the adjournment of the last, and the meeting of the present Legislature.)

The committee therefore offer the following resolution, *to wit* :

Resolved, That the Speaker draw his warrant on the State-Treasurer, in favor of George Bryan, Clerk of the Senate, for the above balance of three hundred and fifty dollars.

Mr. Laird, from the committee to whom was referred on the thirteenth instant, the letter of William Graydon, made the following report, *to wit* :

That they have given the subject referred to them, a due and candid consideration; and are of opinion, that, by furnishing justices of the peace with every information on subjects relative to the official concerns of their office, is at all times the duty of a wise and liberal Legislature, and more particularly so, at a time when their jurisdiction has been extended, so as to embrace almost every kind of controversy which ordinarily occurs among the citizens. Experience has amply demonstrated, that the present mode of obtaining redress, for injuries done us in our persons and property, and recovering of debts, can be done with a facility hitherto unknown. The committee are fully convinced, that, by furnishing those officers, whose duty it is to administer the law, with every information within the sphere of the Legislature; that they will thereby hasten that desirable period, in which justice will be done the citizen "*without sale, denial or delay*," agreeably to a wholesome constitutional injunction. Anxious that the administration of justice may be progressed in, and the science thereof made easy to those whose province it is to administer the same, the committee offer the following resolution :

Resolved, That the Secretary of the Commonwealth be, and he is hereby required to purchase from William Graydon, esquire, copies of "*Graydon's Justice*," provided he can obtain them for two dollars and fifty cents per copy, and have them deposited in his office, to be distributed amongst the justices of the peace, in such manner as the Legislature may direct.

On motion of Mr. Sommer and Mr. Dorsey,

Senate resumed the consideration of the bill entitled, "*An act to incorporate the evangelical Lutheran congregation of St. John's church in the city and vicinity of Philadelphia.*"

The consideration of the motion to amend the fifteenth section recurring, *to wit*: To strike out "*for misconduct in office, or some good and sufficient cause;*" referring to the removal of the pastor or pastors of said church.

The question, on agreeing thereto, being put, was determined in the affirmative.

The section as amended, was adopted.

Section XVI. was agreed to.

Section XVII. being under consideration;

A motion was made by Mr. Roberts and Mr. M'Arthur, to amend the section, by striking the word "*three,*" from line 5, and inserting in place thereof, the word "*two,*" respecting the amount of income arising from real estate, which the said congregation may hold; which was not agreed to.

The section was adopted.

The remaining sections, with the title, being agreed to:

Ordered, That the said bill be prepared for the third reading.

The Clerk of the House of Representatives presented for concurrence, the bills entitled as follow, *to wit*:

1. "*An act to alter an act entitled, 'An act to erect the town of Harrisburgh, in the county of Dauphin, into a borough.'*"

2. "*An act granting Samuel Koochooyaei a tract of donation land.*"

Which were severally read the first time. And,

On motion, and by special order,

The last mentioned bill was read the second time, and referred to Mr. Hart, Mr. Pennell, and Mr. Sommer, to consider and report thereon.

Mr. Miller, from the committee appointed for that purpose, reported, That the committee in conjunction with the committee of the House of Representatives, this day presented to the Governor, for his approbation, the bills entitled as follow, *to wit*:

1. "*An act to establish a public ferry on the east side of the river Susquehanna, in the county of Dauphin, and to vest the right thereof in William Morehead, his heirs and assigns.*"

2. "*An act to incorporate the trustees of the Second Baptist church and congregation in Philadelphia.*"

3. "*An act vesting a title to sixty acres of land in Somerset township, Somerset county, in certain trustees and their successors, for the benefit of a congregation composed of Presbyterians and Lutherans.*"

4. "*An act to empower the corporation of the German Reformed congregation in Germantown, in the county of Philadelphia, to sell and convey a certain messuage and lot of ground therein mentioned.*"

5. "*An act to raise by way of lottery a sum of money, for the purpose of completing a meeting-house, in the township of Shamoken, Northumberland county.*"

6. "*An act to change the name of John Powel Hare, to John Hare Powel.*"

Adjourned till 11 o'clock, to-morrow morning.



Saturday, January 16, 1808.

The Clerk of the House of Representatives presented for concurrence, the resolution for the distribution of certain laws of the United States; and he informed, That the House of Representatives have concurred in the amendments by the Senate, on the bill entitled, "*An act to appoint trustees for the county of Tioga,*" with amendments thereto; which were read, as follow, to wit:

Section III. After the word "*Tioga,*" where it is last printed, insert these words: "*And the court of quarter sessions of Lycoming county shall have power, and are hereby required, from time to time, to appoint auditors to settle the accounts of the officers of the county of Tioga, in like manner, and with the like authorities as they may by' aw appoint auditors in the county of Lycoming.*"

Strike from the manuscript amendment, the words "*of prosecutions,*" also the word "*suits;*" and insert in lieu of the latter, "*criminal prosecutions.*"

Add to the said amendments these words, "*and all such incidental costs and expences shall be apportioned between the said counties, in proportion to their respective ratios of taxation.*"

Add to the IVth section, these words, "*And if on examination it be found, that a balance is due from the county of Tioga to the county of Lycoming, then it shall be the duty of the commissioners of Lycoming, to call upon the commissioners of Tioga county, and receive such balance.*"

Whereupon,

On motion of Mr. Hart and Mr. Wayne,

The said amendments were again read, considered, and concurred in.

Ordered, That the Clerk acquaint the House of Representatives thereof.

The resolution for the distribution of certain laws of the United States, was read the first time.

Mr. Vance presented the memorial of the subscribers thereto, inhabitants of Washington county, stating the pernicious effects of horse-racing; that the existing laws are inadequate to the suppression of this vice, and praying the attention of the Legislature; which was twice read, and referred to Mr. Vance, Mr. Campbell, and Mr. Miller, to consider and report thereon.

Mr. Dorsey presented the petition of the subscribers thereto, inhabitants of the city and county of Philadelphia, stating the injuries which have arisen and continue to exist, from the great number of dogs which are kept in the said city and county; that a considerable number are supported in families, who are not able to maintain themselves, and pay their taxes. The petitioners therefore pray, that an act may be passed laying a tax on dogs. And the said petition was read, and

Laid upon the table.

The Speaker laid before the Senate, the memorial of Gideon Olmstead; stating, That he was engaged in the service of his country during the late revolutionary contest with Great Britain, encountered great perils and hardships, and sustained considerable injuries in the hands of the enemy, from whose captivity he effected his escape, by seizing upon a British sloop; which, with

her cargo, he, with three others, brought into the United States; that the vessel and cargo were condemned, and the value thereof deposited in the Treasury of this Commonwealth; that he has never obtained his just and lawful property, though he has resorted to every means which could be devised by him: He therefore prays the attention of the Legislature to his case. And the said memorial was read, and

Laid upon the table.

The Speaker also laid before the Senate, a letter from the Receiver-General, containing an account of the contingent expences of that office, during the last year; also a report of the expenditure of the extra appropriation for clerk-hire; by which it appears, that the whole sum allowed, has been "*exclusively appropriated in bringing forward the back business.*" The receiver also states, "*that the books formerly in arrear, will be completely brought up during the present year;*" but that a considerable accession of current business has arisen under an act of the last session, and by the late application for patents from the North American Land-company. And the said letter and enclosure were severally read, and

Laid upon the table.

Mr. Hart, from the committee to whom was referred on the fifth instant, the bill entitled, "*An act granting a tract of donation land to James Norris,*" reported the said bill without amendment.

Whereupon,

On motion of Mr. Hart and Mr. Pennell, and by special order,

The said bill was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "*An act to incorporate the Evangelical Lutheran congregation of St. John's church in the city and vicinity of Philadelphia,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed

the said bill with one amendment, in which the concurrence of that House is requested.

(For the amendment see journal of yesterday.)

The letter from Zachariah Poulson, read yesterday, was again read, and referred to Mr. Vance, Mr. Dorsey, and Mr. Campbell, to consider and report thereon.

Adjourned till 11 o'clock, Monday morning.

Monday, January 18, 1808.

Mr. Dorsey presented the petition of the minister, church-wardens, and vestry-men of the Episcopal church of St. Paul's, in the city of Philadelphia; stating, That the late Mr. John Keble, by will, devised to the said church, a messuage and lot of ground for the use of such aged widows, communicants of said church, as the corporation thereof should, from time to time, deem proper to admit. The petitioners state, that the said building is too distant from the church, to permit such females as would occupy it, from attending public worship in the said church: They therefore pray to be enabled to sell the said premises, for the purpose of procuring a house and lot more contiguous to the church. And the said petition was read, and

Laid upon the table.

Mr. Hart, from the committee to whom was referred on the fifteenth instant, the bill entitled, "*An act granting to Samuel Koochooyaei a tract of donation land,*" reported the said bill without amendment.

The report of the committee on the petition of Christian Shockey, read the ninth instant, was again read, considered, and the resolution attached thereto, adopted, *to wit:*

Resolved, That a committee be appointed to bring in a bill, directing that Christian Shockey be allowed an annuity of forty dollars, to be paid half-yearly out of the Treasury of the Commonwealth, on warrants to be drawn by the Governor, as in other cases.

Ordered, That the committee who made the report, be the committee for that purpose.

The Secretary of the Commonwealth presented a message from the Governor, which was read, as follows, *to wit*:

"To the Senate and House of Representatives of the Commonwealth of Pennsylvania."

"GENTLEMEN,

"I HAVE this day approved and signed the following Acts of the General Assembly, and directed the Secretary to return the same to the respective Houses in which they originated, *viz.*

1. "An act to incorporate the trustees of the Second Baptist church and congregation in Philadelphia."

2. "An act vesting a title to sixty acres of land in Somerset township, Somerset county, in certain trustees and their successors, for the benefit of a congregation composed of Presbyterians and Lutherans."

3. "An act to empower the corporation of the German reformed congregation in Germantown, in the county of Philadelphia, to sell and convey a certain messuage and lot of ground therein mentioned."

4. "An act to raise by way of lottery a sum of money, for the purpose of completing a meeting-house in the township of Shamoken, Northumberland county."

5. "An act to establish a public ferry on the east side of the river Susquehanna, in the county of Dauphin, and to vest the right thereof in William Morehead, his heirs and assigns."

6. "An act to change the name of John Powel Hare, to John Hare Powel."

"THOMAS M'KEAN.

"Lancaster, January 18, 1808."

The Speaker laid before the Senate, a letter from the Comptroller-General and Register-General; which was read, as follows, *to wit*:

SIR,

IN obedience to the requisition of the Senate, in their resolution of the thirteenth instant, we have prepared, and herewith furnish copies of the accounts (in detail, as settled and passed) of the expenditures by the Luzerne commissioners, under acts of fourth April, one thousand seven hundred and ninety-nine, and fifteenth March, one thousand eight hundred. The ac-

counts are marked A, B, C, D, E. F, G, H, I, J, K, L, M, N, O, which we have also accompanied with a recapitulatory view of the said accounts; shewing, that they account for the amount of the monies drawn from the Treasury, as reported to Senate on the sixteenth January, one thousand eight hundred and four, and ninth January, one thousand eight hundred and eight. The receipts and vouchers referred to in the accounts, are on file, amounting to many hundreds; had we attempted to give copies of them, the report could not have been made during the present session.

To, the new commission under act of ninth April, one thousand eight hundred and seven, there has been advanced, as stated in our report of the ninth instant, three thousand dollars; which has not been, nor could not yet be accounted for, as the commissioners are now in Luzerne county, in performance of their duties under said act.

We have the honor to be, very respectfully,

Your obedient Servants,

GEORGE DUFFIELD,
JOHN KEAN.

Department of Accounts, January 18, 1808.

Hon. Speaker of Senate.

The papers accompanying the letter, were

Laid upon the table.

The bill entitled, "*An act granting James Norris a tract of donation land,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the same without amendment.

The bill entitled, "*An act to alter an act entitled, 'An act to erect the town of Harrisburgh, in the county of Dauphin, into a borough,'*" was read the second time, and considered by section.

Sections I. and II. were severally adopted.

Section III. being under consideration;

A motion was made by Mr. Rahm and Mr. Hiester, to amend the same, by inserting the words, "*and Fri-*

day," after the word, "*Thursday*," in lines 24 and 25; so that there may be two days of fair in June, and the same in October, of each year; which was agreed to, and the section, as amended, adopted.

The remaining sections, with the preamble and title, being agreed to :

Ordered, That the said bill be prepared for the third reading.

The Clerk of the House of Representatives informed, That that House have concurred in the amendments by Senate, on the bill entitled, "*An act to incorporate the Evangelical Lutheran congregation of St. John's church, in the city and vicinity of Philadelphia.*"

And he presented for concurrence, the bills entitled as follow, *to wit* :

1. "An act for the relief of Nathan Coulter."
2. "An act declaring part of Lackawaxen creek, in Wayne county, a public highway."
3. "An act granting a tract of donation land to John Morris."
4. "An act granting Joseph Gwyne the depreciation of his pay as a soldier."
5. "An act to confirm to certain persons holding an island in the river Delaware, their title to the same."

Which were severally read the first time. And,

On motion, and by special order,

The last mentioned bill was read the second time, and referred to Mr. Sommer, Mr. Wayne, and Mr. Roberts, to consider and report thereon.

The Speaker also laid before the Senate, a letter from the Secretary of the Commonwealth; which was read, as follows, *to wit* :

"*Secretary's Office, January 18, 1808.*

"SIR,

"BY the Governor's directions, I have laid before the House of Representatives, returns of the taxable inhabitants and slaves within the counties of Bucks, Butler, Franklin, Fayette, Huntingdon, and Greene; together with those of the townships of East Buffalo and Upper Mahony, in the county of Northumberland; that of West Salem township, in Mercer county; those of the townships of Bridgewater, Wysox, Salem, Nes-

copeck, Canton, and Huntingdon, in Luzerne county; that of the township of Newton, in Cumberland county; that of the township of Beaver, in Crawford county; and that of Shenango township, in the county of Beaver: which, together with those transmitted on the eighteenth ultimo, with the exception of that of Warren county, (not yet received) I believe form a complete return of all the taxable inhabitants and slaves within the Commonwealth of Pennsylvania.

“I have the honor to be, Sir,

“With much respect,

“Your obedient Servant,

“T. M. THOMPSON, *Sec.*

“*The Hon. Presley Car Lane, esquire, }
Speaker of Senate.*” }

Moved by Mr. Roberts and Mr. Hart,

That Senate resume the consideration of the resolution, “*respecting the powers vested in certain turnpike companies;*” which was not agreed to.

Adjourned till 11 o'clock, to-morrow morning.

Tuesday, January 19, 1808.

Mr. Sommer, from the committee to whom was referred the bill entitled, “*An act to confirm to certain persons holding an island in the river Delaware, their title to the same,*” reported the bill without amendment.

Mr. Vance, from the committee to whom was referred on the sixteenth instant, the letter from Zachariah Poulson, made the following report, *to wit*: That they are of opinion, the Minutes of the Convention which framed the present Constitution, are valuable records; and, as there is but one copy in possession of the Legislature, it would be proper the number of copies offered by Z. Poulson, should be procured for the use of, and to be at the disposal of the Legislature. They therefore offer the following resolution:

Resolved, by the Senate and House of Representatives of the Commonwealth of Pennsylvania, That the Clerk of the Senate and the Clerk of the House of Re-

representatives be, and they are hereby directed, to procure the thirty-nine copies of the Minutes of the Convention that framed the present Constitution, as offered by Z. Poulson; and that they be disposed of as follows, *to wit*: Two copies for the table of the House of Representatives, one copy for the table of the Senate, and one copy to be by the Secretary of the Commonwealth transmitted to each county organized; to be sent forward with the Laws and Journals of the present session, and to be deposited in the commissioners' office of each county, to be at all times open to the inspection of the citizens of the counties respectively.

Mr. Blocher, from the committee appointed for that purpose yesterday, reported the bill entitled, "*An act for the relief of Christian Shockey*;" which was read the first time.

The Speaker laid before the Senate, a report of the president, managers and company of the Germantown and Perkiomen turnpike road, communicated by the president of the company, in pursuance of the act of incorporation. The following is an abstract of their accounts, *to wit*:

Capital stock divided into shares of \$100, \$285,000

The revenue of tolls for one year,

ending November 2, 1807,

amounts to, \$26,470 47

Of which paid:

For repairs, salaries to

gate-keepers, secre-

tary and superinten-

dent, ground-rents,

printing, stationary,

&c. \$11,955 85

To stockholders for di-

vidend for 6 months,

declared the first

Monday in May,

1807, at \$2 50 per

share, 7,125

19,080 85

Carried forward.

<i>Bro't forward,</i>	\$ 19,080	85
To do. for do. declared		
the 1st Monday in		
November, 1807, at		
ditto, - - -	7,125	
	<hr/>	
	\$ 26,205	85

Leaving a balance from		
revenue of tolls, of	\$ 264	62
	<hr/>	
		26,470 47

The bill entitled, "*An act to alter an act entitled, 'An act to erect the town of Harrisburgh, in the county of Dauphin, into a borough,'*" was read the third time.

Whereupon,

On motion of Mr. Pennell and Mr. Rahm, and by unanimous consent,

The bill was further amended, by inserting the word "*succeeding*," in lines 24 and 25 of the third section, immediately before the amendment made yesterday, relative to the fairs.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives with information, that Senate have passed the said bill with amendments, in which the concurrence of that House is requested.

(The amendments provide, that there shall be an additional day of fair, in the months of June and October, annually, *to wit*: On the Friday *succeeding* the second Tuesdays in these months.)

The bill entitled, "*An act granting to Samuel Koochooyaei a tract of donation land*," was read the second time as reported by select committee, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

Moved by Mr. Roberts and Mr. M'Arthur,

Whereas the Governor, in his address to the Legislature, dated December 6th, one thousand eight hundred and four, has stated, "the commission which issued under the authority of an act of the General Assembly, to settle claims of property and commutation within the Se-

venteen townships of Luzerne county, will soon be brought to a fair, a satisfactory, and a salutary conclusion ;” and, in that of the subsequent year, dated December fifth, one thousand eight hundred and five, he has stated, “that the commissioners, employed in settling the business of the Seventeen Townships of the county of Luzerne, have performed their trust with impartiality and decision ;” and, in the letter addressed to the Senate by the Governor on the eleventh instant, it is stated, “that he has received no report from said commissioners, but what has been heretofore communicated ;” (the last of which communications, in possession of the Senate, is dated Wilksbarre, November eighteenth, one thousand eight hundred and three.) And whereas the ninth section of the act under which said commissioners were appointed, requires them to deposit a book of record of their transactions, in the office of the Secretary of the Land-Office ; and a draught of all surveys made by their direction, in the office of Surveyor-General. And whereas it appears, from the letter addressed to the Senate by the Secretary of the Land-Office, on the sixth instant, that “no report has come to his knowledge or possession,” of the proceedings of said commissioners, but in six out of fifteen townships ; and, that no book containing their proceedings, has been deposited in his office, at any time. And whereas it appears, from the letter addressed to Senate, by the Surveyor-General, on the sixth instant, no return of surveys, made by direction of said commissioners, has been made to his office, by which he can determine the quantity of land in said townships. And whereas, after the Governor informed the Legislature, that said commissioners “had performed their trust with impartiality and decision,” (for the subject was not noticed in the Governor’s address in one thousand eight hundred and six) considerable sums have been drawn from the Treasury, by said commissioners, from March, one thousand eight hundred and six, to March, one thousand eight hundred and seven ; when it does not appear they had any duties to perform, and when the duties under the act of last April did not, nor could not be expected to exist. It becomes just and proper that it should be known, in

what situation the business of said commissioners, at this time, rests; and why the provisions of the law, under which they acted, directing the records of their proceedings, and the draughts of surveys by their order made, to be deposited in the Land-Offices, have not, on their part, been complied with?

Therefore,

Resolved, That the Governor be hereby requested, to require the aforementioned commissioners to make a report to him, embracing the following points; and that he cause said report to be communicated to Senate, *to wit*:

What quantity of acres of land is contained in the Fifteen Townships in Luzerne county, and what quantity is there in each township?

What number of acres has been therein certified to Connecticut claimants, as eligible to be patented?

What is the amount of money to which the lands so certified, have been valued to said claimants; and what is the average price per acre?

What is the amount of money awarded to Pennsylvania claimants, for lands released by them to the Commonwealth, in said townships?

What quantity of land has been certified to Connecticut claimants, before the ninth of April last, not released by Pennsylvania claimants?

Why were not the records of the proceedings of said commissioners, and the draughts of surveys made by their direction, deposited in the offices, as directed by law?

What have been the proceedings of said commissioners, under the act of ninth of April last?

Ordered to lie upon the table.

Agreeably to the order of the day, the bill entitled, "*An act to establish schools throughout this Commonwealth*," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Hart in the chair) and,

After some time,

The committee rose, reported progress, and had leave to sit again on Monday next, the twenty-fifth instant.

Moved by Mr. Roberts and Mr. M'Arthur,

That Senate resume the consideration of the resolution, respecting an examination into the powers granted to certain turnpike road companies. And,

After debate,

The Yeas and Nays on the question, "*Will Senate now resume the consideration of the said resolution?*" were required by Mr. Roberts and Mr. Pennell; and, the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Hart,
5. Mr. Hiester,
6. Mr. Laird,
7. Mr. Martin,
8. Mr. M'Arthur,

NAYS.

1. Mr. Blocher,
2. Mr. Gress,
3. Mr. Heston,
4. Mr. Lattimore,
5. Mr. Mayer,

YEAS.

9. Mr. Miller,
10. Mr. Mitchell,
11. Mr. Pennell,
12. Mr. Rankin,
13. Mr. Roberts,
14. Mr. Vance,
15. Mr. Lane, *Speaker*.

NAYS.

6. Mr. Rahm,
7. Mr. Slaymaker,
8. Mr. Sommer,
9. Mr. Wayne.

Fifteen Yeas and nine Nays; by which it appeared, that the question was determined in the affirmative.

Whereupon,

The said resolution being again under consideration;

After debate,

The Yeas and Nays, on adopting the same, were required by Mr. Wayne and Mr. Pennell; and, on the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Hart,
2. Mr. Hiester,
3. Mr. Martin,
4. Mr. M'Arthur,
5. Mr. Mitchell,

NAYS.

1. Mr. Blocher,
2. Mr. Brady,

YEAS.

6. Mr. Pennell,
7. Mr. Rankin,
8. Mr. Roberts,
9. Mr. Vance.

NAYS.

3. Mr. Campbell,
4. Mr. Dorsey,

- | | |
|-------------------|--------------------------------|
| 5. Mr. Gress, | 11. Mr. Miller, |
| 6. Mr. Harris, | 12. Mr. Rahm, |
| 7. Mr. Heston, | 13. Mr. Slaymaker, |
| 8. Mr. Laird, | 14. Mr. Sommer, |
| 9. Mr. Lattimore, | 15. Mr. Wayne, |
| 10. Mr. Mayer, | 16. Mr. Lane, <i>Speaker</i> . |

Nine Yeas and sixteen Nays; by which it appeared, the question was determined in the negative.

The bill entitled, "*An act granting a tract of donation land to John Morris,*" was read the second time, and referred to Mr. Pennell, Mr. Wayne, and Mr. Vance, to consider and report thereon.

The bill entitled, "*An act for the relief of Nathan Coulter,*" was read the second time, and referred to the same committee.

The bill entitled, "*An act granting Joseph Gwyne the depreciation of his pay as a soldier,*" was read the second time, and referred to the same committee.

The report, in part, of the committee of accounts, read on the fifteenth instant, was again read, considered, and the resolution attached thereto, adopted, *to wit*:

Resolved, That the Speaker draw his warrant on the State-Treasurer, in favor of George Bryan, Clerk of the Senate, for three hundred and fifty dollars, a balance due him for making Indexes to the Journal of the Senate.

Whereupon,

A warrant was accordingly so drawn.

The Clerk of the House of Representatives presented for signature, two bills, entitled as follow, *to wit*:

1. "*An act to incorporate the Evangelical Lutheran congregation of St. John's church in the city and vicinity of Philadelphia.*"

2. "*An act supplementary to an act entitled, 'An act for establishing the seat of justice in the county of Tioga, and for other purposes.'*" And for concurrence,

The bill entitled, "*An act to enable the trustees of the German Lutheran congregation of the townships of Albany and Linn, in Berks and Northampton counties, to convey to the trustees of the German Reformed congregation an equal right to a church and tract of land therein described;*" which was read the first time.

The Speaker signed the bills presented for concurrence.

Adjourned till 11 o'clock, to-morrow morning.



Wednesday, January 20, 1808.

The Clerk of the House of Representatives informed the Senate, That that House have concurred in the amendments by the Senate, on the bill entitled, "*An act to alter an act entitled, 'An act to erect the town of Harrisburg, in the county of Dauphin, into a borough.'*"

And he presented for concurrence,

The bill entitled, "*An act establishing an academy in the borough of Uniontown, in the county of Fayette;*" which was read the first time.

The bill entitled, "*An act granting Samuel Koochooyaei a tract of donation land,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "*An act to confirm to certain persons holding an island in the river Delaware, their title to the same,*" was read the second time as reported by special committee, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "*An act declaring part of Lackawaxen creek, in Wayne county, a public highway,*" was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The resolution "*for the distribution of certain laws of the United States,*" was read the second time. And,

Being under consideration;

A motion was made by Mr. Sommer and Mr. Pennell, to amend the same, by correcting an error in the date of an act therein referred to; which was agreed to, and the resolution as amended, adopted.

Ordered, That it be returned to the House of Representatives with information, that Senate have passed the said resolution with one amendment, (as before recited) in which the concurrence of that House is requested.

The report of the committee on the petition of Alexander Robeson, read on the fifteenth December, was again read; and, the resolution attached thereto, being under consideration, *to wit* :

Resolved, That a committee be appointed to bring in a bill, authorizing the petitioner to bring suit for his claim against this Commonwealth; and that the attorney-general be instructed on the part of the state, to appear in defence thereof.

After debate,

A motion was made by Mr. Mitchell and Mr. Martin, to postpone the further consideration thereof, for the present; which was agreed to.

The report of the committee on the petition of John Ashton, postponed for the present, on the seventh instant; was again read, considered, and, the resolution attached thereto, adopted; as follows, *to wit* :

Resolved, That a committee be appointed to bring in a bill, allowing John Ashton compensation for his services during the late revolutionary war.

Ordered, That the committee who made the report, be a committee for the purpose expressed in the resolution.

The resolution directing the Clerk of the Senate and the Clerk of the House of Representatives, to procure a certain number of copies of the Minutes of the Convention which framed the present Constitution, was read the second time, considered, and adopted.

Ordered, That it be presented to the House of Representatives for concurrence.

Adjourned till 11 o'clock, to-morrow morning.

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*Thursday, January 21, 1808.*

Mr. Mitchell, from the committee appointed to inquire into the causes of delay in printing and distributing

the Laws and Journals of the last session, and also the Militia Law, made final report, as follows, *to wit*:

In order to obtain information, the committee addressed a letter to the Secretary of the Commonwealth, requesting him to answer a series of questions, which they therewith submitted to him; which questions and answers, they now lay before the Senate, together with a letter from the Secretary. The Secretary further laid before the committee, sundry letters which had passed between himself, the Master of Rolls, and the printer of the laws, during the time the latter was engaged in that service: from which it satisfactorily appears to the committee, that the Secretary has shewn a commendable anxiety, to have the laws promulgated in the time prescribed by the acts of the Legislature for that purpose provided. Letters were also addressed by the committee to the Master of Rolls, the printer of the laws, and the printers of the journals in the English and German languages; which are herewith submitted, numbered from I. to V. From which it appears, some delay in printing the laws, arose from a want of copy from the Rolls'-Office; to prevent which hereafter, a resolution is now before Senate. The printers of the journals assign as a cause of delay, the scarcity of paper. But the committee are of opinion, it ought to be received as a very limited justification for so great a public inconvenience; as it appears impossible for the scarcity to have been so great, but that a supply might have been had from the city at any time.

The printers of the journals give security for the due performance of their engagements; and if such reasons are admitted to justify a failure, the object of the Legislature is defeated, in making them liable to a penalty: and, instead of producing suitable applications for the printing, men will come forward and obtain the work, who will do it only as it suits their convenience, under the idea that the penalty is merely nominal; and the citizens be thereby deprived of that information, which would enable them to judge of the conduct of the Legislature. In the opinion of the committee, the penalty ought to be enforced, whenever the contractors fail to make good their contracts; if they are aggrieved, by



making application to the Legislature, they may have redress. Unless the law is enforced, there seems little probability (to judge from the past) that the journals will be distributed as the public good requires. It is but justice to remark, that, as the printer of the journal in the German language, has to translate and print from the English letter-press, so that his work cannot be completed until after the journal in the English language has been finished.

Such questions were submitted to the Secretary of the Commonwealth, as, in the opinion of the committee, were proper, in order to obtain the information wanted, respecting the distribution of the militia law, &c. which questions, together with his answers; a further letter from him on the subject, a letter from the printer, and a letter from Mr. James Steel, paper-maker, marked 6, 7, and 8, are herewith submitted to Senate. By recurring to the resolution which directs the printing of the militia law, the committee find it contains three conditions :

1. That the Secretary, under the direction of the Governor, was authorized to receive proposals for printing, and directed to cause to be printed and bound a sufficient number of copies, &c.

2. That the Adjutant-General should, on or before the third Monday in June last, cause said law to be distributed, &c.

3. That the expence of printing, binding, and distributing the same, should be allowed the Secretary in the settlement of his accounts, &c.

From these premises it appears, that the Secretary was not trammelled in the transaction of this business by the resolution; he was neither confined to any sum, nor to any person; and that he could not but have been aware of the great interest the state had, in a punctual compliance with the provisions of the resolution, as the elections were to be held under the act. The resolution is dated April thirteenth, one thousand eight hundred and seven; and, in the opinion of the committee, a sufficient time was allowed to have distributed the law between that date and the third Monday in June, and that the interests of the state have suffered by a failure thereof.

Ordered to lie upon the table.

The bill entitled, "*An act to confirm to certain persons holding an island in the river Delaware, their title to the same,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives with information, that Senate have passed the said bill without amendment.

The bill entitled, "*An act declaring part of Lackawaxen creek, in Wayne county, a public highway,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives with information, that Senate have passed the same without amendment.

On motion of Mr. Roberts and Mr. Dorsey,

The resolution requesting the Governor to call on the Luzerne commissioners for certain information, was read the second time.

Whereupon, after debate,

A motion was made by Mr. Sommer and Mr. Heston, to postpone the further consideration thereof, for the present.

On which motion, Mr. Heston and Mr. Pennell called for the Yeas and Nays; and, on the question being put, the Members voted as follow, *to wit* :

#### YEAS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Gress,
4. Mr. Heston,
5. Mr. Lattimore,

#### NAYS.

1. Mr. Blocher,
2. Mr. Dorsey,
3. Mr. Hart,
4. Mr. Hiester,
5. Mr. Laird,

#### YEAS.

6. Mr. Mayer,
7. Mr. Miller,
8. Mr. Slaymaker,
9. Mr. Sommer,
10. Mr. Wayne.

#### NAYS.

6. Mr. Martin,
7. Mr. M'Arthur,
8. Mr. Mitchell,
9. Mr. Pennell,
10. Mr. Rahm,

11. Mr. Rankin,

13. Mr. Vance,

12. Mr. Roberts,

14. Mr. Lane, *Speaker*.

Ten Yeas and fourteen Nays; by which it appeared, the question was determined in the negative.

Whereupon,

The Yeas and Nays on adopting the resolution, were required by Mr. Roberts and Mr. Pennell; and, on the question being put, the Members voted as follow, *to wit* :

## YEAS.

1. Mr. Blocher,
2. Mr. Dorsey,
3. Mr. Hart,
4. Mr. Hiester,
5. Mr. Laird,
6. Mr. Lattimore,
7. Mr. Martin,
8. Mr. M'Arthur,
9. Mr. Miller,

## NAYS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Gress,
4. Mr. Heston,

## YEAS.

10. Mr. Mitchell,
11. Mr. Pennell,
12. Mr. Rahm,
13. Mr. Rankin,
14. Mr. Roberts,
15. Mr. Sommer,
16. Mr. Vance,
17. Mr. Lane, *Speaker*.

## NAYS.

5. Mr. Mayer,
6. Mr. Slaymaker,
7. Mr. Wayne.

Seventeen Yeas and seven Nays; by which it appeared, the question was determined in the affirmative.

Ordered, that Mr. Roberts and Mr. Wayne be a committee to present the said resolution to the Governor.

On motion of Mr. Pennell and Mr. M'Arthur,

Resolved, That the choice of directors, on the part of the Senate, for the banks of Pennsylvania and Philadelphia, be the order of the day for Wednesday next.

On motion of Mr. Miller and Mr. Wayne,

The Senate resumed the consideration of the report of the committee on the petition of Alexander Robeson. And the consideration of the resolution recurring, *to wit* :

That a committee be appointed to bring in a bill, authorizing the petitioner to bring suit for his claim against this Commonwealth; and that the attorney-general be instructed on the part of the state, to appear in defence thereof.

The Yeas and Nays on agreeing thereto, were required by Mr. Wayne and Mr. Miller.

After debate,

A motion was made by Mr. Sommer and Mr. Brady, to amend the resolution, so as to enable the committee to report a bill, directing the payment of the said claim out of the State-Treasury; which was not agreed to.

Thereupon,

The question, "*Will Senate agree to the said resolution?*" being put, the Members voted as follow, *to wit* :

#### YEAS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Miller,

#### YEAS.

5. Mr. Slaymaker,
6. Mr. Sommer,
7. Mr. Wayne.

#### NAYS.

1. Mr. Blocher,
2. Mr. Gress,
3. Mr. Hart,
4. Mr. Heston,
5. Mr. Hiester,
6. Mr. Laird,
7. Mr. Lattimore,
8. Mr. Martin,
9. Mr. Mayer,

#### NAYS.

10. Mr. McArthur,
11. Mr. Mitchell,
12. Mr. Pennell,
13. Mr. Rahm,
14. Mr. Rankin,
15. Mr. Roberts,
16. Mr. Vance,
17. Mr. Lane, *Speaker*.

Seven Yeas and seventeen Nays; by which it appeared, the question was determined in the negative.

The Clerk of the House of Representatives informed the Senate, that the House of Representatives have concurred in the amendments by Senate, on the resolution for the distribution of certain laws of the United States.

He presented for concurrence, the bills entitled as follow, *to wit* :

1. "An act to raise by way of lottery, a sum not exceeding six thousand dollars, for purchasing a lot or lots of ground, building a school-house and a house for divine worship thereon, in the borough of Bedford."

2. "An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house in Shipensburg, in the county of Cumberland."

3. "An act authorizing the court of quarter sessions of Indiana county, to direct a review of that part of the

state road leading from Blair's Gap to the western boundary line of the state, which lies between the town of Indiana and the seventh mile-tree westward."

And he presented for signature,

The bills entitled, as follow, *to wit*:

1. "An act granting a tract of donation land to James Norris."

2. "An act to alter an act entitled, "An act to erect the town of Harrisburg, in the county of Dauphin, into a borough."

Whereupon,

The Speaker signed the said bills.

The bills presented for concurrence, were severally read the first time.

Adjourned till 11 o'clock, to-morrow morning.

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## *Friday, January 22, 1808.*

Mr. M'Arthur presented the memorial of the subscribers thereto, inhabitants of the county of Crawford; stating, That considerable embarrassments arise under the act incorporating an academy in the town of Meadville, owing to a provision in the said act, which renders it necessary for fifteen of the trustees to be present in conducting the business of the academy; that, although every exertion has been made to effect the meeting of that number, it has proved ineffectual. The memorialists therefore pray, that the number necessary to form a quorum may be reduced to nine. And the said memorial was twice read, and referred to Mr. M'Arthur, Mr. Sommer, and Mr. Mitchell, to consider and report thereon.

Mr. Mitchell, from the committee appointed for that purpose on the twentieth instant, reported the bill entitled, "*An act for the relief of John Ashton*;" which was read the first time.

Mr. M'Arthur, from the committee to whom was referred on the twelfth of last month, the petition of John Patterson; on leave now given, reported the bill en-

titled, "*An act for the relief of John Patterson;*" which was read the first time.

Mr. Pennell, from the committee to whom was referred on the thirteenth instant, the bill entitled, "*An act granting a tract of donation land to William M. Cornick,*" reported the said bill without amendment.

Mr. Roberts, from the committee appointed to present the resolution respecting the Luzerne Commissioners, to the Governor, reported; That the committee had performed that service, and, that the Governor informed the committee, he would attend to the subject thereof.

The bill entitled, "*An act for the better encouragement of the raising of the breed of sheep within the county of Chester,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Pennell in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

On motion of Mr. Wayne and Mr. Pennell,

The said bill was considered by section.

Section I. being under consideration;

A motion was made by Mr. Dorsey and Mr. Martin, to amend the same, by embracing the county of Philadelphia within its provisions; which was agreed to: And, the section as amended, adopted.

Sections II. and III. were severally adopted.

Section IV. being under consideration;

A motion was made by Mr. Sommer and Mr. Dorsey, to amend the section, by inserting between the words "*citizens which,*" in line 11, the following: "*to be appointed by the nearest justice of the peace,*" referring to the persons who are to estimate the value of the sheep destroyed; which was not agreed to.

The section was adopted.

The remaining sections were severally agreed to.

On motion of Mr. Sommer and Mr. Laird,

The Senate agreed to reconsider the question on adopting the fourth section.

Whereupon,

The said section being again under consideration;  
After debate,

A motion was made by Mr. Vance and Mr. Sommer, to postpone the further consideration of the bill, for the present; which was agreed to.

The Clerk of the House of Representatives presented for concurrence the bill entitled, "An act to raise by way of lottery, a sum of money for the purpose of finishing the meeting-house in Wilkesbarre, and for protecting the bank of the river, opposite the borough, from the encroachments of the river;" which was read the first time.

Adjourned till 11 o'clock, to-morrow morning.

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Saturday, January 23, 1808.

Mr. Martin presented the memorial of George Stevenson; stating, That he is possessed of a tract of donation land in the fifth district, which does not contain the quantity mentioned in the patent; he therefore prays relief. And the said memorial was twice read, and referred to Mr. Martin, Mr. Laird and Mr. Heston, to consider and report thereon.

Mr. M'Arthur presented the petition of the subscribers thereto, inhabitants of the counties of Mercer and Crawford, stating certain inconveniencies which have arisen, and to which they are yet subject, in consequence of the act erecting the said counties, directing that the division line should be run at right angles with the line which is the western boundary of the state; they therefore pray, that certain alterations may be made therein agreeably to the limits mentioned in the petition. And the same was twice read, and referred to Mr. M'Arthur, Mr. Harris and Mr. Mitchell, to consider and report thereon.

Mr. Vance, from the committee to whom was referred on the sixteenth instant, the petition of the subscribers thereto, inhabitants of Washington county; on leave now given, reported the bill entitled, "*An act to prevent the evil practice of horse-racing*;" which was read the first time.

The bill entitled, "*An act establishing an academy in the borough of Uniontown, in the county of Fayette,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Roberts in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

The Secretary of the Commonwealth presented a message from the Governor; which was read as follows, *to wit* :

" To the Senate of Pennsylvania.

" GENTLEMEN,

" YOUR resolution of the nineteenth instant, was presented to me this day; since which I have received from the commissioners employed in settling the business of the Seventeen Townships of Luzerne county, a report on that subject; which the Secretary will herewith lay before you, and which I request may be returned.

" I have directed a copy of your resolution to be transmitted to the commissioners at Wilkesbarre, together with a request, that answers may be promptly returned to the various questions it proposes.

" THOMAS M'KEAN.

" Lancaster, January 22, 1808."

The papers accompanying the message were severally read, as follow, *to wit* :

Wilkesbarre, Luzerne County, Jan. 18, 1808.

SIR,

ENCLOSED is our report, which would not have been made before our present sitting closed, but from an apprehension, that many of the Legislature are under impressions not the most correct of what we are doing. It was our intention, when we had finished the business before us, to have detailed it in a report more at large than we now are able to do. But, for the above reason, we considered it as a duty to forward such an one as we have enclosed.

We are your Excellency's most obedient
And humble servants,

JOHN M. TAYLOR,
ROSEWELL WELLES,
ALEXANDER SCOTT.

*To his Excellency Thomas M^c Kean, esquire, }
Governor of the Commonwealth of }
Pennsylvania.*

The undersigned commissioners, under the act of the fourth of April, one thousand seven hundred and ninety-nine, entitled, "An act for offering compensation to the Pennsylvania claimants of certain lands within the Seventeen Townships in the county of Luzerne, and for other purposes therein mentioned," and the several supplements thereto, beg leave to report; That, in virtue of their several commissions they repaired to this county, and commenced the duties of office, which had been assigned them. Their first object was to ascertain, as near as they could, what the quantity of land was within the Fifteen Townships, which might possibly fall under their notice. In pursuing this inquiry from the papers and documents, as far as they were put into their hands, together with such other information as they could obtain, it appeared that the whole of the land not certified to the Connecticut claimants in the Fifteen Townships by their predecessors, did not exceed fifty thousand acres.

For some part of this land, they were informed, applications had been made out by the settlers and transmitted to the Land-Office, with a view of laying their several claims before the late commissioners; but, by some means the applications failing to reach the Land-Office in due time, or miscarrying altogether, copies thereof were never returned so that they could be acted upon.

For another part of it, applications were duly forwarded, but the settlers not being able to prove occupancy upon their respective rights or lots prior to the Decree of Trenton, the former board could not recognize their claims.

For another part of this land, no applications by the settlers were ever made; but this was owing to the

influence of several persons in the county, who were at that time hostile to the provisions of the act, as well as every other principle of compromise.

The land out of the aforesaid quantity, for which titles have been submitted to the present board by the settlers, is something less than thirty-five thousand acres. Whether to all this titles will be made out, remains to be known. It is hardly probable that titles will be made good for all the land so claimed. Many claims of the settlers, if good once, are difficult to establish now. In the year one thousand seven hundred and seventy-eight, when the enemy attacked this part of the state, the public records fell into their hands; and, when regained, they were in such a condition as to furnish little or no evidence of title to many individuals whose claims have been submitted. Hence, recourse has been had, from necessity, to oral testimony; which has very much protracted the inquiries of the board in the examination of the claims. Much public good, in the apprehension of the board, has resulted from the doings of the former commissioners. It is very obvious, that, as the settlers in the Fifteen Townships have been quieted in their claims, those living out, have had less confidence in their claims of pretended title, and sought that claim which has been derived from the state. Impressed with this truth, the present board deemed it a duty to give the most ample opportunity to every Connecticut settler in said townships, to make out his title if he could. Very much of the land to which claims are submitted, has been released by the claimants under the state, and who either have or will receive the money for it as valued. To let the settlers have this land, if to it they could establish titles as the law directs, as also that to which perhaps there existed no particular claim under the Commonwealth, was deemed to be a measure of policy, as well as that of duty. In all their deliberations the board have endeavored to keep steadily in view, the act and the several supplements under which they have been appointed. No claims but for lands within the said Fifteen Townships, have been entered upon their books; nor any claims allowed, but those which had been acquired by settlers before the Decree of Trenton.

The board are now deciding on the claims of individuals as received. A number of the settlers, in virtue of their submission sent to the Land-Office, have applied to be heard; but the board having received no copies of their submissions, could not, in their apprehension, take cognizance of their claims, though from documents in possession, of a general nature, some of them seemed to be well founded. What of business therefore is before us, we hope to be through with in two weeks from this date.

All which is humbly submitted by

Your Excellency's most obedient

And very humble servants,

JOHN M. TAYLOR,
ROSEWELL WELLES,
ALEXANDER SCOTT.

Wilkesbarre, January 18, 1808.

The Clerk of the House of Representatives presented for concurrence, the bill entitled, "*An act for the relief of Charles Thompson.*" And, he presented for signature,

The bill entitled, "*An act granting Samuel Koochooyaei a tract of donation land;*" and

"*A resolution for the distribution of certain laws of the United States.*"

Whereupon,

The Speaker signed the same.

The bill presented for concurrence, was read the first time.

The bill entitled, "*An act for the relief of Christian Shockey,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (M. Vance in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

On motion of Mr. Wayne and Mr. Roberts,

Agreed, That Senate will meet at 10 o'clock in the morning, for the future.

On leave given,

Mr. Sommer read a bill in his place; and, by permis-

sion, presented the same to the chair, entitled, "*A further supplement to an act entitled, 'An act to raise and collect county rates and levies;'*" which was read the first time.

Adjourned till 10 o'clock, Monday morning.

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## Monday, January 25, 1808.

Mr. Wayne presented the petition of the subscribers thereto, citizens of Chester county; praying, That a law may be passed authorizing the making of a turnpike road, from the Lancaster turnpike road, (between the fourteenth and fifteenth mile-stones) by the nearest and best route, through parts of Tredyffrin, Charles, and Pikeland townships, by the Yellow Springs; from thence to form a junction with a meditated artificial road leading from Reading-town towards Philadelphia. And the said petition was read, and

Laid upon the table.

Mr. Rahm, from the committee to whom was referred on the first instant, the petitions of John Burnheatter, Emanuel Bollinger, Valentine Weirich and Wendel Fortney, on leave now given, made report, in part, *to wit*: the bill entitled, "*An act for the relief of Wendel Fortney;*" which was read the first time.

The bill entitled, "*An act for establishing an academy in the borough of Uniontown, in the county of Fayette,*" was read the second time, as reported by committee of the whole on the twenty-third instant, and considered by section.

Sections I. to VI. inclusive, were severally agreed to.

Section VII. being under consideration, (appropriating two thousand dollars to the academy,)

The question on agreeing thereto, being put, was determined in the negative.

The title of the bill being agreed to:

Ordered, That it be prepared for the third reading.

The bill entitled, "*An act for the relief of Christian Shockey,*" was read the second time, as reported by

committee of the whole on the twenty-third instant, considered by section, and agreed to.

The title being under consideration :

On motion of Mr. Wayne and Mr. Blocher, the same was amended so as to read, "*An act granting an annuity to Christian Shockey.*"

Whereupon,

Ordered, That said bill be prepared for the third reading.

The bill entitled, "*An act for the relief of the inhabitants of the village of Palmyra, in the township of Londonderry, Dauphin county,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Hart in the chair) for the further consideration thereof. And,

After some time,

The committee rose, reported progress, and had leave to sit again to-morrow.

The bill entitled, "*An act to raise by way of lottery a sum of money for the purpose of erecting a school-house in Shippensburg, in the county of Cumberland,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Wayne in the chair) for the further consideration thereof. And,

After some time,

The committee rose, reported progress, and had leave to sit again on the second Monday in next month.

The bill entitled, "*An act authorizing the court of common pleas of Indiana county, to direct a review of that part of the state road leading from Blair's Gap to the western boundary line of the state, which lies between the town of Indiana and the seventh mile tree westward,*" was read the second time, and considered by section.

Section I. being under consideration :

After debate,

A motion was made by Mr. Roberts and Mr. Hart, to postpone the further consideration of said bill for the present ; which was agreed to.

The Clerk of the House of Representatives presented

for concurrence the bill entitled, "*An act for the relief of Thomas Cox.*"

And he presented for signature, the bills entitled as follow, *to wit*:

1. "An act to declare certain parts of Muddy creek, in the county of Crawford, a public highway."

2. "An act declaring part of Lackawaxen creek, in Wayne county, a public highway."

3. "An act to confirm to certain persons holding an island in the river Delaware, their title to the same."

Whereupon,

The Speaker signed the said bills.

The bill presented for concurrence, was read the first time.

The bill entitled, "*An act for the further relief of Charles Thomson,*" was read the second time; and referred to Mr. Roberts, Mr. Harris, and Mr. Hart, to consider and report thereon.

On motion of Mr. Wayne and Mr. Pennell,

The Senate resumed the consideration of the bill entitled, "*An act for the better encouragement of the raising and improving the breed of sheep within the county of Chester.*"

The consideration of section IV. recurring:

The question on agreeing thereto being put, was determined in the affirmative.

The title having been amended so as to read, "*An act for the better encouragement of the raising and improving the breed of sheep within the counties of Philadelphia and Chester,*" and agreed to.

Ordered, That it be prepared for the third reading.

On motion of Mr. Wayne and Mr. Sommer,

The Senate resumed, in committee of the whole, (Mr. Hart in the chair) the consideration of the "*resolution relative to the library of the General Assembly.*" And,

After some time,

The committee rose, and reported the same with amendments; which were read as reported.

On motion of Mr. Hart and Mr. Pennell, and by special order,

The bill entitled, "*An act for the relief of Thomas Cox,*" was read the second time; and referred to

Mr. Hart, Mr. Pennell, and Mr. Gress, to consider and report thereon.

On motion,

The further consideration, in committee of the whole, of the bill entitled, "*An act to establish schools throughout this Commonwealth,*" (order for this day) was postponed for the present.

Adjourned till 10 o'clock, to-morrow morning.

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Tuesday, January 26, 1808.

Mr. Wayne presented the petition of the subscribers thereto, inhabitants of the counties of Chester, Berks and Lancaster, of the same import with that presented by Mr. Wayne, on the thirty-first ultimo; which was twice read, and referred to the committee to whom the said petition was referred.

The bill entitled, "*An act establishing an academy in the borough of Uniontown, in the county of Fayette,*" was taken up for the third reading.

Whereupon,

A motion was made by Mr. Mitchell and Mr. Roberts, to commit the bill to a special committee; which was agreed to.

Ordered, That Mr. Mitchell, Mr. Brady and Mr. Vance, be a committee to consider and report thereon.

The bill entitled, "*An act granting an annuity to Christian Shockey,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*An act for the better encouragement of the raising and improving the breed of sheep within the counties of Philadelphia and Chester,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*An act to raise by way of lottery, a sum not exceeding six thousand dollars, for purchasing a lot of ground, building a school-house and house for divine worship thereon, in the borough of Bedford,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Sommer in the chair) for the further consideration thereof. And,

After some time,

The committee rose, reported progress, and had leave to sit again on Monday next.

The bill entitled, "*An act to raise by way of lottery, a sum of money for the purpose of finishing the meeting-house in Wilkesbarre, and for protecting the bank of the river, opposite to the borough, from encroachments of the river,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. M'Arthur in the chair) for the further consideration thereof. And,

After some time,

The committee rose, reported progress, and had leave to sit again on Monday next.

The Clerk of the House of Representatives presented for concurrence the bill entitled, "*An act for establishing and building a bridge across the river Schuylkill, at or near the falls thereof;*" which was read the first time.

The bill entitled, "*An act for the relief of John Ashton,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Hart in the chair) for the further consideration of the same. And,

After some time,

The committee rose, and reported the bill with the first section negatived.

On motion,

The further consideration, in committee of the whole, (order of this day) of the bill entitled, "*An act for the relief of the inhabitants of the village of Palmyra, in the*

township of Londonderry, Dauphin county," was postponed for the present.

Mr. Miller, from the committee appointed for that purpose, made report; That the committee, in conjunction with the committee of the House of Representatives, this^d day presented to the Governor, for his approbation, the bills, and resolution, entitled as follow, *to wit* :

1. "An act to incorporate the Evangelical Lutheran congregation of St. John's church, in the city and vicinity of Philadelphia."

2. "An act supplementary to an act entitled, "An act for establishing the seat of justice in the county of Tioga, and for other purposes."

3. "An act granting a tract of donation land to James Norris."

4. "An act to alter an act entitled, "An act to erect the town of Harrisburg, in the county of Dauphin, into a borough."

5. "An act granting Samuel Koockooyaei a tract of donation land."

6. "An act to declare certain parts of Muddy creek, in the county of Crawford, a public highway."

7. "An act declaring part of Lackawaxen creek, in Wayne county, a public highway."

8. "An act to confirm to certain persons holding an island in the river Delaware, their title to the same."

9. "A resolution for the distribution of certain Laws of the United States."

Adjourned till 10 o'clock, to-morrow morning.

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*Wednesday, January 27, 1808.*

Mr. Dorsey presented a report of the president, managers and company of the Philadelphia and Lancaster turnpike road. The following is an abstract of the accounts of said company, since the last report, *to wit* :

Account of toll received by the treasurer of the company, from the different collectors, after their having deducted for some trifling sums expended by them, and

their salaries, amounting to three thousand seven hundred dollars per annum.

Dec. 27, 1802, to Dec. 25, 1803,

toll received, - - \$ 24,913 21

Deduct paid for this

year's repair of road,

bridges, &c. \$ 15,101 13

Do. for incidental ex-

pences, - - 1,934 43

————— 17,035 56

————— 7,877 65

Dec. 26, 1803, to Dec. 23, 1804,

toll received, - - \$ 20,144 90

Deduct paid for this

year's repair of road,

&c. and rebuilding

West-Brandywine

bridge, - - \$ 17,156 30

Do. for incidental ex-

pences, - - 2,233 20

————— 19,389 50

————— 755 40

Dec. 24, 1804, to Dec. 22, 1805,

toll received, - - \$ 23,032 19

Deduct paid for this

year's repair of road,

bridges, &c. \$ 10,024 96

Do. for incidental ex-

pences, - - 1,610 34

————— 11,635 30

————— 11,396 89

Balance for three years, - - \$ 20,029 94

Dec. 23, 1805, to Dec. 21, 1806,

toll received, - - \$ 22,930 77

Deduct paid for this

year's repair of road,

bridges, &c. \$ 6,942 89

Do. for incidental ex-

pences this year, 1,196 12

————— 8,139 1

————— 14,791 76

*Carried forward.*

*Brought forward,*      \$ 34,821 70

Dec. 22, 1806, to Dec. 20, 1807,

toll received,                      -      \$ 30,258 40

Deduct paid for this  
year's repair of road,

&c.                      -      \$ 11,514 76

Do. for incidental ex-

pences this year,      2,477 32

13,992 8

16,266 32

Balance for five years,                      -      \$ 51,088 2

Mr. Dorsey also presented the accounts of the Pennsylvania Hospital, agreeably to the request of the managers of that institution; which were laid upon the table.

Mr. Wayne, from the committee to whom was referred on the fourth instant, the petitions of the subscribers thereto, inhabitants of Chester, Lancaster and Berks, on leave now given, reported the bill entitled, "*An act to enable the Governor of this Commonwealth to incorporate a company, for the purpose of making an artificial road, from the Philadelphia and Lancaster turnpike road, near Randal Marlin's store to Jones' tavern in Berks county;*" which was read the first time.

Mr. Roberts, from the committee to whom was referred on the twenty-fifth instant, the bill entitled, "*An act for the further relief of Charles Thomson,*" reported the said bill without amendment.

Agreeably to the order of the day, the Senate proceeded to the election of directors of the bank of Pennsylvania and the Philadelphia bank, (the Clerks being first appointed tellers); and, upon counting the votes, it appeared, that Thomas Lieper had 25 votes; John Harrison, 13; Hugh Ferguson, 13; John Conrad, 13; and William Duane, 11 votes. That the first named person only was chosen. That three of the other persons having a majority, but being equal in vote, no further choice was made.

The following is a state of the poll:

Messrs. Lane, *Speaker*, Blocher, Dorsey, Hiester, Martin, M'Arthur, Mitchell, Pennell, Rahm, Rankin,

and Roberts, voted for *Thomas Leiper*, *William Duane*, and *John Harrison*.

Messrs. Brady, Campbell, Gress, Harris, Hart, Heston, Lattimore, Mayer, Miller, Slaymaker, Sommer, and Wayne, voted for *Thomas Leiper*, *Hugh Ferguson*, and *John Conrad*.

Mr. Laird voted for *Thomas Leiper*, *John Harrison*, and *John Conrad*.

Mr. Vance voted for *Thomas Leiper*, *John Harrison*, and *Hugh Ferguson*.

Whereupon,

The Senate proceeded to the choice of the remaining two directors of the bank of Pennsylvania; and, on counting the votes, it appeared, that *Hugh Ferguson* had 14; *John Conrad*, 13; *John Harrison*, 12; and *William Duane*, 11 votes. The two former were declared to have a majority.

The following is a state of the poll:

Messrs. Lane, *Speaker*, Blocher, Dorsey, Hiester, Martin, M'Arthur, Mitchell, Pennell, Rahm, Rankin, and Roberts, voted for *William Duane* and *John Harrison*.

Messrs. Brady, Campbell, Gress, Harris, Hart, Heston, Laird, Lattimore, Mayer, Miller, Slaymaker, Sommer, and Wayne, voted for *Hugh Ferguson* and *John Conrad*.

Mr. Vance voted for *John Harrison* and *Hugh Ferguson*.

Thereupon,

The Speaker declared, that *Thomas Leiper*, *Hugh Ferguson* and *John Conrad*, were duly elected directors of the bank of Pennsylvania, on the part of the Senate, for the ensuing year.

The Senate then proceeded to the choice of directors of the Philadelphia bank; and, on counting the votes, it appeared, that *Henry Orth* had 25; *Robert Harris*, junior, 21; *Theophilus Harris*, 14; *Michael Leib*, 11; *James M'Glathery*, 2; and *Samuel Mecker*, 2 votes.

Whereupon,

The Speaker declared that *Henry Orth*, *Robert Harris*, jun. and *Theophilus Harris*, were duly elected

directors of the Philadelphia bank, on the part of the Senate, for the ensuing year.

The following is a state of the poll :

Messrs. Lane, *Speaker*, Blocher, Hiester, Martin, M<sup>c</sup>Arthur, Mitchell, Pennell, Rahm, Rankin, and Roberts, voted for *Henry Orth*, *Michael Leib* and *Robert Harris, junior*.

Messrs. Brady, Campbell, Gress, Harris, Heston, Lattimore, Mayer, Miller, Slaymaker, Sommer, and Wayne, voted for *Henry Orth*, *Robert Harris, junior*, and *Theophilus Harris*.

Messrs. Hart, and Laird, voted for *Henry Orth*, *Theophilus Harris* and *James M<sup>c</sup>Glathery*.

Mr. Dorsey voted for *Henry Orth*, *Michael Leib* and *Samuel Meeker*.

Mr. Vance voted for *Henry Orth*, *Theophilus Harris* and *Samuel Meeker*.

The bill entitled, "*An act granting a tract of donation land to William M<sup>c</sup>Cormick*," was read the second time, as reported by special committee.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Hart in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

The bill entitled, "*An act for the relief of John Paterson*," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Pennell in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with amendments ; which were read as reported.

On motion of Mr. Brady and Mr. Roberts,

The Senate resumed the consideration of the bill entitled, "*An act authorizing the courts of quarter sessions of Indiana county, to direct a review of that part of the state road leading from Blair's Gap to the western*

*boundary line of the state, which lies between the town of Indiana and the seventh mile tree westward."*

The consideration of the first and only section recurring;

The question, on agreeing thereto, being put, was determined in the affirmative.

The title being agreed to:

Ordered, 'That the said bill be prepared for the third reading.

The Clerk of the House of Representatives presented for concurrence, five bills, entitled as follow, *to wit*:

1. "An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house, for the use of the joint Lutheran and Reformed congregations at the Union church in Whitehall township, in the county of Northampton, and to defray the expences of said church."

2. "An act to enable Joseph Marshall and William Marshall to sell and convey the real estate of Andrew Marshall, late of Hamilton township, Franklin county, deceased."

3. "An act declaring part of Wallenpaupack creek, in Wayne county, a public highway."

4. "An act to raise by way of lottery, a sum of money not exceeding two thousand dollars, for building a house for divine worship in Limerick township, Montgomery county."

5. "An act to raise by way of lottery, a sum of money for the purpose of purchasing a burial ground for the society of Universalists, in the city of Philadelphia, and to pay a debt by them contracted in the building a house for public worship and the finishing the same."

Which were severally read the first time.

On motion of Mr. Roberts and Mr. Pennell,

The Senate resumed, in committee of the whole, (Mr. Hart in the chair) the further consideration of the bill entitled, "*An act for the establishment of schools throughout this Commonwealth,*" postponed for the present on the twenty-fifth instant. And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

Adjourned till 10 o'clock, to-morrow morning.

*Thursday, January 28, 1808.*

Mr. Slaymaker presented the petition of Jacob Mayer, praying for a divorce from the banns of matrimony with his wife Catharine Mayer, late Diller. And the same was twice read, and referred Mr. Slaymaker, Mr. Dorsey, and Mr. Mitchell, to consider and report thereon.

Mr. Roberts, from the committee to whom was referred on the eleventh instant, the message from the Governor, containing the resolutions of the state of Vermont, contemplating certain amendments to the Constitution of the United States, made the following report, *to wit* :

That, after investigating the subject with care, your committee are of opinion, that defects do exist in Article III. Section 1. of the Constitution of the United States. The government of the United States is as new in its principles, as the opportunity was happy (as it related to the manners and municipal laws of the people establishing it) at which it took rise. The fundamental principle on which the Constitution is established, is to delegate none but necessary power, and to prevent an undue accumulation of it in a few hands. In the letter of the President of the United States' Convention, to the President of Congress, enclosing the draught of the Constitution, it is said, "That it has long been desired, that the power to regulate the general interests of the United States, should be vested in the general government thereof; but the impropriety of delegating so extensive a power to one body of men, is evident." This reasoning holds good, wherever power is delegated; and that which is delegated for the longest term, becomes dangerous; as it removes the possessor from that responsibility that ought always to be felt to the people. In providing for the independence of the Judges, by going to the extreme, a worse evil, if possible, has arisen: When the disadvantage of their conduct is felt, they cannot be removed; and the harmony of the Union is thereby endangered. "In all our deliberations," observes the Convention, "we have kept steadily in view the consolidation of our Union. This important consideration, seriously and deeply

impressed on our minds, led each State to be less rigid on points of inferior magnitude ; and thus the Constitution, which we now present, is the result of amity and mutual concession. That it will meet the full and entire approbation of every State, is not perhaps to be expected."

We find, then, that difficulties arose in the Convention, inseparable from an attempt to reconcile the interests of many sovereign States ; and that the Constitution offered for acceptance, was taken only as it was better than none ; and because it contained within itself the principle of amendment. Immediately after the establishment of the government, the subject of amendment was taken up, on the ground, that a number of the States, at the time of adopting the Constitution, expressed a desire, that, to prevent misconstruction and abuse, declaratory and restrictive clauses should be added. On which occasion it was observed, "That confidence in government, best insures the beneficent ends of its establishment." Ten additional articles were added, which contain some of the most valuable provisions of the Constitution. Later amendments have been introduced, when experience had pointed out inconvenience therein. This principle of amendment has been, and must continue to be the most estimable feature in that instrument, and the one which most insures confidence. The committee therefore think, that, whenever imperfections are discovered, the States should promptly call for a remedy ; for all experience testifies, that the longer evils remain, the more incurable they become. The tenure by which the Judges hold their offices, is during good behavior ; and the only means by which they can now be removed, is by impeachment and conviction of treason, bribery, or other high crimes and misdemeanors. Of the inadequacy of these provisions to secure impartial and capable Judges, a virtuous and efficient administration of justice, the committee have no doubt. The provisions of the Constitution, as they respect the office of Judges, have been practically tested for a space of twenty years ; in that time, one Judge has been convicted on impeachment, and one has been acquitted. In the first case, all the forms and



expences of trial for high crimes and misdemeanors, were constitutionally enjoined and acted upon to remove a man, that either by misfortune or intemperance, had become insane : And in the latter, a Judge who had trampled down the sacred right of a citizen, on a trial for his life, was acquitted. It was contended on the trial of the latter Judge, that, to establish his guilt, it was not enough to prove the Judge had so acted ; but that the action was committed contrary to his own sense of right ; and it appears, that it was on this principle only, that he could have been acquitted. When such difficulties occur in making a Judge accountable by impeachment, the causes why it has seldom been attempted, become apparent. The expence attendant on the attempt, and the danger of sanctioning principles hostile to liberty in the extreme, by acquitting the violators of right, secures in future an impunity for error and for crime, highly alarming. From the tenure of good behavior, and the single chance of removal by impeachment and conviction of high crimes and misdemeanors, we must be subjected to all the evils which flow from unfitness, from mental imbecility, to which all men are liable, from bodily infirmity and the weakness incident to age, in the Judges ; which, as our government advances in duration, will be more liable to ensue ; and to remedy which, there is no adequate provision. The sections of the Constitution of the United States, under consideration, in their present state, seem to contemplate an exemption of the Judges from the common casualties incident to the nature of man ; and also to suppose no man can be appointed a Judge, who is unfit : both which conclusions, we know by experience to be palpably false. The said sections admit at the same time, that he may commit heinous crimes ; and provide, though in the opinion of the committee, ineffectually, for their punishment. They are therefore clearly of opinion, that experience has pronounced the provisions of that section of the Constitution, which defines the tenure by which Judges hold their office, defective.

The resolution of the General Assembly of the State of Vermont, referred to the committee, while it admits

the premises already laid down, proposes, as a remedy, to empower the President to remove a Judge when addressed for that purpose, "by a majority of the House of Representatives and two-thirds of the Senate, in Congress assembled." That such an amendment would improve the Constitution, we have no doubt: But when imperfections are felt in that instrument, it would be but wise, in recommending alterations, not merely to propose palliatives; but to endeavor to bring into view, principles, that would radically cure the defect. The sentiments of the General Assembly of our sister State are important, as they must be taken as an evidence that the Constitution of the United States is defective; the committee are of opinion, however, that the proposed amendment would be ineffectual. They could have no difficulty in recommending a co-operation therewith, if their resolve was so modified, that a majority of the Members present of the Senate and House of Representatives might address, and that it should be made the duty of the President to remove, without discretion, as far as such amendment would reach. In support of this principle, the committee wish to observe; that it may justly be asked, if a majority of the Senate and House of Representatives, with the consent of the President, can declare war, define crimes and punishments, tax the property of the whole community, dispose of the public revenue, and prescribe rules generally for the government of the citizens; why must two-thirds of the Senate agree, and the President consent, before even a worthless Judge can be removed? To support such a principle as the Constitution at present contains, the specious doctrine of checks and balances must be applied with address. The Judges are held to have a controlling power over Legislative Acts. To acknowledge Judges to have this monstrous and unnecessary power, introduced another evil; it would have been derogatory to make men thus clothed, removable by an inferior power—it would have been to confess the principle wrong. But experience has demonstrated, they do not possess this power; the question has been decided in the repeal of the celebrated judiciary law of 1801. The Legislature did their duty, and these as-

sumptions vanished. It was demonstrated, that Legislation was the highest delegated power. It became manifest, that a majority of both Houses of Congress, the President consenting, could remove Judges by abolishing a law. The committee therefore presume, that it will not be denied, that bodies of men, who can now constitutionally sweep a whole bench of Judges from office, would be an improper tribunal to try the fitness of a single Judge. They are disposed to view the administration of justice as an important part of government, and one which ought to be touched with great deliberation; but they think that a disposition has prevailed, to clothe them with a mantle of power, and affix to them a sacredness of character, neither warrantable nor wise. When the rights and duties of juries are justly considered, the consequence and power of the Judges are not so great as is imagined, or as they generally assume. The tremendous power of deciding on the life of a citizen, is vested in the citizens as jurors. Jury trial is a constitutional right in all suits at common law, where the sum in controversy exceeds twenty dollars; and by the common law, juries are judges of law and of fact, in all cases. Whenever a law is passed, a power must exist somewhere, to judge of its constitutionality; this power is either delegated or reserved. If delegated, it must rest between the Legislature and the Judges. That it does not rest with the Judges, the committee believe, as before noticed, has been decided in the repeal of the judiciary law of 1801. If it had been in the power of the Judges to declare the repeal was nugatory, they would have used it; as some of them brought a suit to recover their salaries, though the law under which they were appointed, had been repealed. The principle was so palpably absurd, that it could not be sustained. A Judge must be more than men commonly are, if he would not be inclined to annul every law that might go to lessen his powers, or do away his salary.

It may be asked, if the Legislature violate the Constitution, how is the evil to be remedied? It ought also to be asked, how may it be remedied, if the Judges agree to sanction such violation? It is then for the

citizens, in their elective capacity as jurors, to determine. The people ought to be the ultimate, as they are the only legitimate judges of the constitutionality of the Acts of the Legislature, they only are competent to apply the remedy; and no other ought to be, or can be had. The committee therefore believe, that no good reason can be given why a majority of the Senate and House of Representatives may not remove a Judge, whom they believe disqualified for the trust; when they can decide the most important national questions, the President consenting; or why one Member more than a third of the Senate, should control the whole House of Representatives, and a majority of that body; or why, the Senate and House of Representatives addressing the President, he should have the power to retain a Judge? An opposite doctrine may be convenient to those who are, or those who may become Judges; but, to the people, such doctrine must appear monstrous and absurd. They therefore believe the public good would be promoted by making the Judges removable by a vote of the majority of the Members present, of the Senate and House of Representatives; but the committee believe they would be wanting in their duty, if they did not bring into the view of the Senate a further amendment; which, in their opinion, would secure the substantial ends of justice, and would remove, in a great measure, the necessity of impeachments, and removals by address. That the judicial tribunals should have the confidence of the citizens, is so obviously necessary, that to secure it, ought to be the sole aim in proposing amendments to the Constitution. If a Judge once loses that confidence, even though he may have done no wrong, he can no longer render that service, which he could before have done; and some means ought to exist, by which a Judge in this situation might be dismissed, without subjecting him to the criminations inseparable from a removal by address. This the committee believe could be obtained, by subjecting Judges, like other officers, to hold their offices for a term of years. That very great evils have already been felt from the want of responsibility in the Judges, will not be denied. Their extravagant independence must always favor an en-

croachment, by them, on the rights of juries. These encroachments have already assumed an alarming aspect ; and ought to warn us of the danger there is, in a total subversion of the inestimable trial by jury. The existence of jury trial is, perhaps, the most indubitable evidence of the necessity there is for a people to retain a principal part of the administration of justice in their own hands. How dangerous must it be, in such a country as the United States, for six men, who hold their offices during good behavior, or for life, to have the power to meet out justice as their passions or interests may incline them? To oppose the introduction of a principle so abhorrent to freedom, it is constitutionally declared, that justice shall be administered by a portion of the citizens, who being suddenly assembled with due regard to disinterestedness, who can have no bias, but to judge as they would wish to be judged. Whenever a disposition appears in a Judge to invade the rights of juries, the proper department ought to be able to remove him ; and no removal will be so effectual, or so eligible, as a periodical termination of his office. Another disadvantage arising from the present tenure of his office, is, that all other men, however more fit, are excluded, during the life of the incumbent, from any chance of being serviceable in that department. It therefore appears to the committee, that that confidence, which the citizens should at all times feel in the adequacy of our judicial tribunals, to secure the great and substantial ends of justice, can never be had until the Constitution of the United States is so amended, as that the office of a Judge may be held for a term of years.

They therefore recommend the following resolution,  
*to wit :*

Resolved, By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Senators representing this State in the Congress of the United States, be hereby instructed ; and that the Representatives from this State in the Congress aforesaid, be hereby requested to endeavor to have the Constitution of the United States so amended, as that the Judges of the Courts thereof shall hold their offices for a term of years ; that they shall

be removed by the President of the United States, on an address of the majority of the Members present of the Senate and House of Representatives of the United States, in Congress assembled; and that, on all trials of impeachment for high crimes and misdemeanors, a majority of the Senate shall be competent to conviction.

Ordered, That the usual number of copies of said report be printed.

Mr. Mitchell, from the committee to whom was referred the bill entitled, "*An act establishing an academy in the borough of Uniontown, in the county of Fayette,*" reported the bill with one amendment; which was read as reported.

Mr. Hart, from the committee to whom was referred on the twenty-fifth instant, the bill entitled, "*An act for the relief of Thomas Cox,*" reported the bill without amendment.

Mr. Mitchell, from the committee to whom was referred on the eleventh instant, the eighth item of the report of unfinished business, *to wit*: The bill entitled, "*An act to provide for the erection of a house for the employment and support of the poor in the county of Cumberland;*" and the petitions of the subscribers thereto, inhabitants of Cumberland county, on the same subject; reported the said bill with one amendment; which was read as reported.

The bill entitled, "*An act authorizing the court of quarter sessions of Indiana county, to direct a review of that part of the state road leading from Elair's Gap to the western boundary line of the state, which lies between the town of Indiana and the seventh mile-tree westward,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "*An act granting a tract of donation land to William McCormick,*" as reported by committee of the whole yesterday, was taken up for further consideration.

Whereupon,

A motion was made by Mr. Wayne and Mr. Sommer, to re-commit the said bill to a select committee ; which was agreed to.

Ordered, That Mr. Wayne, Mr. Sommer, and Mr. Roberts, be the committee.

The bill entitled, "*An act to establish schools throughout this Commonwealth,*" as reported by committee of the whole yesterday, was taken up for further consideration.

Whereupon,

A motion was made by Mr. Roberts and Mr. Dorsey, to re-commit the said bill to the committee who reported it ; which was agreed to.

The bill entitled, "*An act for the further relief of Charles Thomson,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Wayne in the chair) for the further consideration thereof. And,

After some time,

The committee rose, reported progress, and had leave to sit again to-morrow.

The report of the committee of the whole, (negating the first section) on the bill entitled, "*An act for the relief of John Ashton,*" was read the second time.

Whereupon, after debate,

A motion was made by Mr. Mitchell and Mr. Sommer, to postpone the further consideration thereof, for the present ; which was agreed to.

The bill entitled, "*An act for the relief of Thomas Cox,*" as reported by special committee yesterday, was read the second time, considered by section, and agreed to.

The preamble, after being verbally amended, was agreed to.

The title having been agreed to :

Ordered, That the said bill be prepared for the third reading.

On leave given, Mr. Mitchell read a bill in his place ; and, by permission, presented the same to the chair, entitled, "*An act for the relief of John Hutton ;*" which was read the first time.

On motion of Mr. Mitchell and Mr. Roberts,  
Agreed, That Senate will meet at eleven o'clock in  
the morning of each day.

Whereupon,  
Adjourned till 11 o'clock, to-morrow morning.

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Friday, January 29, 1808.

The Speaker laid before the Senate, a letter from the
Secretary of the Commonwealth; which was read as
follows, *to wit* :

"Secretary's Office, January 29, 1808.

"SIR,

"AGREEABLY to the directions of an Act
of the General Assembly, entitled, "An act directing
the mode of taking testimony in cases of complaint
against justices of the peace," I have laid before the
House of Representatives, sundry depositions, interro-
gatories and cross-examinations, taken in the case of
William Clark, esquire, one of the justices of the peace
in and for the county of Beaver, before David Drennan,
esquire, one of the associate judges of the said county ;
which were received last evening per mail.

"I am, sir, respectfully,

"Your obedient servant,

"T. M. THOMPSON, *Sec.*

"*Hon. Presley Car Lane, esquire, }*
Speaker of Senate." *}*

Mr. Wayne presented the petition and remonstrance
of the subscribers thereto, inhabitants of Chester county ;
stating, That they understand it is proposed to lay out
a turnpike road, from Morgantown in Berks county,
through the neighborhood of Warwick furnace, and
lands of Michael Kunkle, thence to form a junction
with the Philadelphia and Lancaster turnpike, at or near
the Warren tavern; but, that within a few days past,
the petitioners learn, another route is contemplated,
which, besides its being parallel with the Philadelphia
and Lancaster turnpike, would increase the distance of
the road, and greatly injure the farms of a number of

the petitioners : they therefore remonstrate against the second route proposed, and pray, that the first may be adopted. And the same was read, and

Laid upon the table.

Mr. Miller presented the petition of the surviving administratrix of the estate of Thomas Dill, deceased ; the guardians of the minor children of said deceased ; the widow of Caleb Dill, deceased, and others interested in the estate of the said Thomas Dill ; stating, That difficulties have arisen in consequence of the death of said Caleb, during the valuation of two small tracts of land, under a decree of the orphan's court ; and praying relief. And the said petition was twice read, and referred to Mr. Miller, Mr. Campbell, and Mr. Wayne, to consider and report thereon.

Mr. Campbell presented the memorial of John Morris, doctor of medicine, residing in the borough of York ; stating, That he entered the service of the United States, at an early period of the revolution, as surgeon's mate in General Armang's legion, and was soon afterwards appointed and commissioned surgeon ; that he served in those situations during the war, and at the end thereof was honorably discharged ; that he never received any donation land from the State of Pennsylvania ; that, being advanced in age, and having a large family to support, he therefore prays a grant of donation land. And the said petition was twice read, and referred to Mr. Campbell, Mr. Lattimore, and Mr. Heston, to consider and report thereon.

Mr. Martin, from the committee to whom was referred on the twenty-third instant, the memorial of George Stevenson, on leave now given, reported the bill entitled, "*An act for the relief of George Stevenson ;*" which was read the first time.

Mr. Brady, from the committee appointed for that purpose on the third of last month, made the following report :

The committee appointed to examine and report what laws will expire previous to the meeting of the next General Assembly, report, in part :

1. "*An act regulating and continuing the distribution of donation lands,*" will expire April first, one thousand

eight hundred and eight.—See vol. VII. State Laws, page 118; and Laws of last session, see page 187.

2. "*An act to extend the time for patenting lands, and for other purposes,*" will expire the fourth of April, one thousand eight hundred and eight. And so will the provisions in favor of purchasers of lands within this Commonwealth, who are in debt for the purchase money.—See vol. V. State Laws, page 24, and vol. VII. page 268.

3. "*An act to provide for the more effectual education of the poor gratis,*" will expire at the end of the present session of the Legislature.—See vol. VI. State Laws, page 298.

4. "*An act to provide for the inspection of ground black oak bark intended for exportation,*" will expire at the end of the present session of the Legislature.—See vol. VI. State Laws, page 499.

5. "*An act to regulate the payment of costs on indictments,*" will expire at the end of the present session of the Legislature.—See vol. VII. State Laws, page 3.

The bill entitled, "*An act for the relief of Thomas Cox,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill with one amendment, in which the concurrence of that House is requested. (The amendment is merely verbal.)

The bill entitled, "*An act establishing an academy in the borough of Uniontown, in the county of Fayette,*" as reported by select committee yesterday, was considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The Clerk of the House of Representatives presented for concurrence, the "*resolution relative to instructing the Senators from this State in the Congress of the United States, and requesting the Members of the House of Representatives to use their influence to obtain an amendment in the Constitution of the United States, for the total*"

prohibition of the importation of slaves ;” which was read the first time.

The bill entitled, “*An act to enable the trustees of the German Lutheran congregation of the townships of Albany and Linn, in Berks and Northampton counties, to convey to the trustees of the German Reformed congregation an equal right to a church and tract of land therein described,*” was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. M‘Arthur in the chair.) And,

After some time,

The committee rose, and reported the bill with one amendment ; which was read as reported.

Whereupon,

On motion, and by special order,

The said bill was considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

Agreeably to order, the Senate resumed, in committee of the whole, (Mr. Wayne in the chair) the consideration of the bill entitled, “*An act for the further relief of Charles Thomson.*” And,

After some time,

The committee rose, and reported the bill without amendment.

Thereupon,

A motion was made by Mr. Roberts and Mr. Hart, to proceed to the further consideration of the said bill ; which was not agreed to.

The bill entitled, “*An act to raise by way of lottery, a sum of money for the purpose of purchasing a burial ground for the society of Universalists, in the city of Philadelphia, and to pay a debt by them contracted in the building a house for public worship and the finishing the same,*” was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Wayne in the chair) for the further consideration of the same. And,

After some time,

The committee rose, and reported the bill with amendments ; which were read as reported.

Thereupon,

On motion of Mr. Heston and Mr. Sommer,
The said bill was considered by section.

Section I. being under consideration;

The Yeas and Nays on adopting the same, were
required by Mr. Roberts and Mr. Hart; and, on the
question being put, the Members voted as follow,
to wit:

YEAS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Dorsey,
5. Mr. Gress,
6. M.. Harris,
7. Mr. Heston,
8. Mr. Laird,
9. Mr. Lattimore,

YEAS.

10. Mr. Mayer,
11. Mr. M'Arthur,
12. Mr. Miller,
13. Mr. Rahm,
14. Mr. Slaymaker,
15. Mr. Sommer,
16. Mr. Wayne,
17. Mr. Lane, *Speaker.*

NAYS.

1. Mr. Hart,
2. Mr. Hiester,
3. Mr. Martin,

NAYS.

4. Mr. Mitchell,
5. Mr. Pennell,
6. Mr. Roberts.

Seventeen Yeas and six Nays; by which it appeared,
the question was determined in the affirmative.

The remaining sections, with the title, being agreed
to:

Ordered, That the said bill be prepared for the third
reading.

Adjourned till 11 o'clock, to-morrow morning.



Saturday, January 30, 1808.

Mr. Dorsey presented the petition of the subscribers
thereto, the president and managers of the United States
insurance company, praying for an act of incorporation.
And the same was read, and

Laid upon the table.

The bill entitled, "*An act to raise by way of lottery,
a sum of money for the purpose of purchasing a burial
ground for the society of Universalists, in the city of*"

Philadelphia, and to pay a debt by them contracted in the building a house for public worship and the finishing the same," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill with amendments, in which the concurrence of that House is requested.

The amendments are :

1. To confine the appropriation of the money raised by the lottery, to the purchase of a burial ground and the payment of the debts already contracted in building a house of worship and to finish the same.

2. That not only the commissioners, but no other person shall be allowed compensation for performing the duties of commissioners of said lottery.

The bill entitled, "*An act establishing an academy in the borough of Uniontown, in the county of Fayette,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the same with amendments, in which the concurrence of that House is requested.

The amendments are :

Introduce the names of "*Maurice Trueman, Jesse Pennell,*" as trustees of said academy. Also several verbal amendments.

The bill entitled, "*An act to enable the trustees of the German Lutheran congregation of the townships of Albany and Linn, in Berks and Northampton counties, to convey to the trustees of the German Reformed congregation an equal right to a church and tract of land therein described,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Repre-

sentatives, with information, that Senate have passed the said bill with one amendment, in which the concurrence of that House is requested. (The amendment is merely verbal.)

The bill entitled, "*An act for the further relief of Charles Thomson*," was read the second time, as reported by committee of the whole, and considered by section.

The first and only section being under consideration ;

A motion was made by Mr. Sommer and Mr. Brady, to strike from line seven, "*three thousand one hundred and ninety-five*" dollars, and insert in place thereof, "*two thousand three hundred and twenty*" dollars (the sum contemplated as a reimbursement to Mr. Thomson); which was not agreed to.

A motion was then made by Mr. Sommer and Mr. Miller, to insert a provision to embrace the case of the heirs of John Fromberger (who were stated to be similarly situated with Mr. Thomson); which was not agreed to.

Whereupon,

The Yeas and Nays on adopting the section, were required by Mr. Pennell and Mr. Mayer; and, on the question being put, the Members voted as follow, to wit :

YEAS.

1. Mr. Blocher,
2. Mr. Dorsey,
3. Mr. Gress,
4. Mr. Hart,
5. Mr. Hiestor,
6. Mr. Laird,
7. Mr. Lattimore,
8. Mr. M'Arthur,

YEAS.

9. Mr. Mitchell,
10. Mr. Rahm,
11. Mr. Rankin,
12. Mr. Roberts,
13. Mr. Slaymaker,
14. Mr. Wayne,
15. Mr. Lane, *Speaker*.

NAYS.

1. Mr. Harris,
2. Mr. Martin,
3. Mr. Mayer,

NAYS.

4. Mr. Miller,
5. Mr. Pennell.

Fifteen Yeas and five Nays; by which it appeared, that the question was determined in the affirmative.

The title of the bill being agreed to :

Ordered, That it be prepared for the third reading.

The bill entitled, "*An act declaring part of Wallen-*

paupack creek, in Wayne county, a public highway," was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

On motion of Mr. Mitchell and Mr. Martin,

The Senate resumed the consideration of the report of the committee of the whole, (negating the first section) on the bill entitled, "*An act for the relief of John Ashton.*" And,

After debate,

The question on agreeing to the report of the committee of the whole, being put, was determined in the negative.

Whereupon,

The said section being again under consideration ;

A motion was made by Mr. Mitchell and Mr. Martin, to re-commit the said bill to a select committee ; which was agreed to.

Ordered, That it be referred to the committee by whom it was reported.

Adjourned till 11 o'clock, Monday morning.

Monday, February 1, 1808.

Mr. Miller, from the committee to whom was referred on the twenty-ninth of last month, the petition of the surviving administratrix of the estate of Thomas Dill, deceased, on leave now given, reported the bill entitled, "*An act to authorize and empower Priscilla Dill, widow of Thomas Dill, deceased; William Wireman, senior, and William Wireman, junior, guardians of the minor children of Thomas Dill, and administrators of the estate of Caleb Dill, deceased, to sell and convey two several tracts of land in Manahan township, in the county of York;*" which was read the first time.

Mr. Harris, from the committee to whom was referred on the thirty-first of December, the petitions of the subscribers thereto, inhabitants of the townships of Potter and Ferguson, Centre county, on leave now given, reported the bill entitled, "*An act altering the*

place of holding the general elections for the townships of Ferguson and Potter, in Centre county;" which was read the first time.

Mr. Pennell, from the committee to whom were referred on the nineteenth of last month, the bills, entitled as follow, *to wit*:

1. "*An act for the relief of Nathan Coulter.*"
2. "*An act granting Joseph Gwyne the depreciation of his pay as a soldier.*"

Reported the said bills without amendment.

Mr. Hart, from the committee to whom was referred on the fifth of December, the seventh item of the report of the committee on the Governor's Address, *to wit*: "General regulations as to election districts, fisheries, water-courses, &c." made the following report, *viz*.

That the committee have duly considered the subject referred to them, and find in a former communication of the Governor, to which an allusion is made in his last address to the Legislature, that it is recommended to refer the regulations of election districts, fisheries, water-courses and mill-dams, to the court of common pleas or the county commissioners. The committee object to this plan, for the following reasons:

By the Constitution of this Commonwealth, legislative and judiciary powers are designed to be kept distinct. The regulations proposed to be referred to the courts and commissioners, have been considered, and the committee believe correctly, as proper subjects of legislation; and they doubt the propriety of transferring the exercise of legislative powers to courts of justice. The right of suffrage is one of the most important rights of freemen, and ought to be so guarded as not to be subjected to any judicial control, that might affect the free and convenient exercise of that privilege. The judges, not appointed by the people, nor, except very remotely, responsible to them for their conduct, might so arrange the election districts as to materially affect, at least, the convenient exercise of the right of suffrage, and might make that arrangement so as to answer particular purposes. The people, feeling such inconveniencies, would have no redress, except by appealing to the Legislature. Hence, instead of saving the time of the Legislature, it might ultimately consume more than at present. The

same objection would apply, were the power of erecting election districts vested in the county commissioners; they are chosen for a different purpose, and might be under the same inducements, to promote some favorite object.

With respect to mill-dams or navigable waters; that also has long been considered as a proper object of legislation. Were the courts authorized to regulate them, it would be an act of legislation, and perhaps appeals might be made to the same authority who made the law relative to the breaches of that law; and, in that case, the makers of the law would become the expounders of the same; which would contradict, in practice, the long received opinion, that the Legislature have the power to make laws, but the judges to explain them; and should a collision of opinion exist between the people and the judges, an appeal must then be made to the Legislature, and, on that ground, no time would be saved. Besides, it not unfrequently happens, that navigable streams of water pass through several counties, and the judges of one of those counties, might authorize the erection of mill-dams, that would materially affect the interest of other counties; and, in that case, application must be made to the Legislature to remedy either real or supposed injuries. Similar objections might arise, as it respects declaring of streams of water public highways, and removing natural or artificial obstructions and regulating of fisheries. The committee forbear to adduce any more reasons against the transfer of legislative powers into the hands of judges or commissioners; presuming, that they have offered sufficient upon which to found the following resolution, *viz.*

Resolved, That it is inexpedient for the Legislature to transfer the power of regulating election districts, mill-dams, fisheries or water-courses.

The Secretary of the Commonwealth presented a message from the Governor; which was read as follows, *to wit:*

“ To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

“ GENTLEMEN,

“ I HAVE this day approved and signed the following Acts and Resolution of the General

Assembly, and directed the Secretary to return the same to the respective Houses in which they originated :

1. "An act supplementary to an act entitled, "An act for establishing the seat of justice in the county of Tioga, and for other purposes."

2. "An act to declare certain parts of Muddy creek, in the county of Crawford, a public highway."

3. "An act declaring part of Lackawaxen creek, in Wayne county, a public highway."

4. "An act granting Samuel Koockooyaei a tract of donation land."

5. "An act to confirm to certain persons holding an island in the river Delaware, their title to the same."

6. "An act to alter an act entitled, "An act to erect the town of Harrisburg, in the county of Dauphin, into a borough."

7. "An act to incorporate the Evangelical Lutheran congregation of St. John's church in the city and vicinity of Philadelphia."

8. "An act granting a tract of donation land to James Norris."

9. "A resolution directing the distribution of the copies of the Laws, passed in the first session of the ninth Congress."

"THOMAS M'KEAN.

"*Lancaster, February 1, 1808.*"

The bill entitled, "*An act for the further relief of Charles Thomson,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "*An act declaring part of Wallenpaupack creek, in Wayne county, a public highway,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Repre-

sentatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "*A further supplement to the act entitled, 'An act for raising county rates and levies,'*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Miller in the chair) for the further consideration thereof. And,

After some time,

The committee rose, reported progress, and asked leave to sit again; which was not granted.

Thereupon,

A motion was made by Mr. Pennell and Mr. Roberts, to refer the said bill to a select committee; which was agreed to.

Ordered, That Mr. Sommer, Mr. Heston, Mr. Pennell, Mr. Vance, Mr. Roberts, Mr. Mitchell, and Mr. Rankin, be the committee.

The Clerk of the House of Representatives presented for concurrence, the bills, entitled as follow, *to wit*:

1. "An act to enable the Governor to incorporate a company to make an artificial road, by the best and nearest route, from the town of Hanover, in the county of York, to the Maryland line, at or near the place the turnpike from Baltimore to the state line towards Hanover, will strike the same."

2. "An act making an appropriation to complete the powder magazine of the state, in the county of Philadelphia."

And he informed, That the House of Representatives have concurred in the amendments by Senate, to the bills entitled as follow, *to wit*:

1. "An act for the relief of Thomas Cox."

2. "An act establishing an academy in the borough of Uniontown, in the county of Fayette."

3. "An act to enable the trustees of the German Lutheran congregation of the townships of Albany and Linn, in Berks and Northampton counties, to convey to the trustees of the German Reformed congregation an equal right to a church and tract of land therein described."

4. "An act to raise by way of lottery, a sum of money for the purpose of purchasing a burial ground for the society of Universalists in the city of Philadelphia, and to pay a debt by them contracted in the building a house for public worship and the finishing the same."

The bills presented for concurrence, were severally read the first time.

The bill entitled, "*An act for establishing and building a bridge over the river Schuylkill, at or near the falls thereof,*" was read the second time, and considered by section.

Section I. being under consideration ;

After some debate,

A motion was made by Mr. Sommer and Mr. Pennell, to refer the said bill to a select committee ; which was agreed to.

Ordered, That Mr. Sommer, Mr. Heston, and Mr. Pennell, be the committee.

The bill entitled, "*An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house for the use of the joint Lutheran and Reformed congregations at the Union church in Whitehall township, in the county of Northampton, and to defray the expences of said church,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Brady in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

Agreeably to the order of the day, the Senate resumed, in committee of the whole, (Mr. Sommer in the chair) the consideration of the bill entitled, "*An act to raise by way of lottery, a sum not exceeding six thousand dollars, for purchasing a lot or lots of ground, building a school-house and house for divine worship thereon, in the borough of Bedford.*" And,

After some time,

The committee rose, and reported the bill with amendments ; which were read as reported.

Agreeably to the order of the day, the Senate resumed,

in committee of the whole, (Mr. M'Arthur in the chair) the further consideration of the bill entitled, "*An act to raise by way of lottery, a sum of money for the purpose of finishing the meeting-house in Wilkesbarre, and for protecting the bank of the river, opposite the borough, from encroachments of the river.*" And,

After some time,

The committee rose, and reported the bill with one amendment; which was read as reported.

Agreeably to the order of the day, the bill entitled, "*An act to raise by way of lottery, a sum not exceeding two thousand dollars, for building a house for divine worship, in Limerick township, Montgomery county,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Pennell in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with one amendment; which was read as reported.

Adjourned till 11 o'clock, to-morrow morning.

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## Tuesday, February 2, 1808.

The Clerk of the House of Representatives presented for signature, two bills, entitled as follow, *to wit*:

1. "An act declaring part of Wallenpaupack creek, in Wayne county, a public highway."

2. "An act for the further relief of Charles Thomson."

And he presented for concurrence, two bills, entitled as follow, *to wit*:

1. "An act to allow further time for completing the Frankford and Bristol turnpike road, and erecting a bridge over Neshamany creek."

2. "An act for the relief of Dillaplain Ridgway."

Which were read the first time.

The bills presented for signature, were signed by the Speaker.

Mr. M'Arthur presented the petition of the subscribers thereto, inhabitants residing north and west of the rivers Ohio, Allegheny, and Conewango creek, of same import with that presented by him on the twenty-ninth December last. And the same was twice read, and referred to the committee to whom the said petition was referred.

Mr. Rahm, from the committee to whom was referred on the first of last month, the petitions of John Burnheatter, Emanuel Bollinger, Valentine Weirich, and Vendel Fortney; made further report, in part, as follows, *to wit*:

That, since the petitioner (John Burnheatter) has furnished no other documents but his petition, the committee have carefully examined the books at the office of the Comptroller-General, as also at the office of the Secretary of the Land-Office; and the petitioner's name not appearing in said books, to grant the prayer of the petitioner would, in the opinion of the committee, be establishing a precedent, which the circumstances of the case or the duties incumbent on the Legislature, would not warrant. They therefore offer the following resolution, *to wit*:

Resolved, That the petitioner have leave to withdraw his petition.

Whereupon,

On motion, and by special order,

The said report was again read, considered, and adopted.

The bill entitled, "*An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house, for the use of the joint Lutheran and Reformed congregations at the Union church, in Whitehall township, in the county of Northampton, and to defray the expences of said church,*" was read the second time, as reported by committee of the whole yesterday, and considered by section.

Sections I. and II. were severally agreed to.

Section III. being under consideration:

A motion was made by Mr. Roberts and Mr. Pennell, to amend the same, by inserting the following at the end thereof, *to wit*:

Provided, That nothing herein contained shall be

taken to allow said lottery commissioners any compensation, for the performance of the duties enjoined on them by this act, nor any other person for the performance of said services.

On which motion,

Mr. Roberts and Mr. Sommer required the Yeas and Nays; and, on the question being put, the Members voted as follow, *to wit*:

## YEAS.

1. Mr. Blocher,
2. Mr. Gress,
3. Mr. Heston,
4. Mr. Hiester,
5. Mr. Laird,
6. Mr. Martin,
7. Mr. Mayer,
8. Mr. McArthur,

## YEAS.

9. Mr. Mitchell,
10. Mr. Pennell,
11. Mr. Rahm,
12. Mr. Rankin,
13. Mr. Roberts,
14. Mr. Vance,
15. Mr. Lane, *Speaker*.

## NAYS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Harris,
5. Mr. Hart,

## NAYS.

6. Mr. Lattimore,
7. Mr. Miller,
8. Mr. Slaymaker,
9. Mr. Sommer,
10. Mr. Wayne.

Fifteen Yeas and ten Nays; by which it appeared, that the question was determined in the affirmative.

The section, as amended, was adopted.

The remaining section, with the title of the bill, having been agreed to:

Ordered, That the said bill be prepared for the third reading.

The bill entitled, "*An act to raise by way of lottery, a sum not exceeding six thousand dollars, for purchasing a lot or lots of ground, building a school-house and house for divine worship thereon, in the borough of Bedford,*" as reported by committee of the whole yesterday, was considered by section, and agreed to.

The title of the bill having been amended, so as to conform with amendments made in the bill, and agreed to:

Ordered, That the said bill be prepared for the third reading.

The bill entitled, "*An act to raise by way of lottery,*

*a sum of money for the purpose of finishing the meeting-house in Wilkesbarre, and for protecting the bank of the river, opposite the borough, from the encroachments of the river,"* was read the second time, as reported by committee of the whole yesterday, considered by section, and agreed to.

Ordered, That the said bill be prepared for the third reading.

The bill entitled, "*An act to raise by way of lottery, a sum not exceeding two thousand dollars, for building a house for divine worship in Limerick township, Montgomery county,*" as reported by committee of the whole yesterday, was considered by section, and agreed to.

The title of the bill being amended, so as to correspond with amendments made in the bill, and agreed to :

Ordered, That the said bill be prepared for the third reading.

The bill entitled, "*An act for the relief of Nathan Coulter,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Roberts in the chair) for the further consideration thereof. And,

After some time,

The committee rose, reported progress, and had leave to sit again to-morrow.

The bill entitled, "*An act granting Joseph Gwyne the depreciation of his pay as a soldier,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Dorsey in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with one amendment ; which was read as reported.

On motion of Mr. Pennell and Mr. Miller,

The committee appointed on the third of December last, to join a committee of the House of Representatives, to form a system of rules for conducting business between the two Houses, was discharged from the further consideration thereof.



On motion of Mr. Laird and Mr. Mitchell, Mr. Lattimore and Mr. Martin, were added to the committee to whom was referred, on the fifth of December last, the fourth item of the report of the committee on unfinished business, *to wit* :

“ The report of a committee on the petition of the trustees of the Northumberland academy.”

The report of the committee appointed to inquire into the causes of delay in printing and distributing the Laws and Journals of the last session, and the Militia Law, read on the twenty-first of last month, was again read.

Whereupon,

It was moved by Mr. Roberts and Mr. Pennell,

Resolved, That while it appears the Secretary of the Commonwealth used commendable exertions to procure the Laws of the last session of the Legislature, to be printed in the time prescribed by law, but which was prevented by the Master of Rolls not furnishing the printer with copy ; yet it appears, the Secretary impeded the printing of the Journal of the House of Representatives, by putting the Articles of War to be printed by the printer of that Journal ; and, that the delay in distributing the Militia Law, and the ill execution of that work, are not justified by the reasons assigned for it by the Secretary.

Thereupon,

It was moved by Mr. Brady and Mr. Sommer,

To postpone the further consideration of the said report, together with the resolution proposed to be attached thereto, for the present ; which was agreed to.

The bill entitled, “ *An act making an appropriation to complete the powder magazine of the state, in the county of Philadelphia,*” was read the second time ; and referred to Mr. Roberts, Mr. Vance, and Mr. Dorsey, to consider and report thereon.

On motion, and by special order,

The bill entitled, “ *An act to allow further time for completing the Frankford and Bristol turnpike road, and erecting a bridge over Neshamany creek,*” was read the second time ; and referred to Mr. Sommer, Mr. Wayne, and Mr. Hart, to consider and report thereon.

The “ *resolution enjoining certain duties on the Master*

of *Rolls*," was read the second time, as reported by committee of the whole on the sixth of last month.

Whereupon,

A motion was made by Mr. Vance and Mr. McArthur, to re-commit the said resolution to the committee of the whole; which was agreed to.

Thereupon,

The Senate resolved itself into committee of the whole, (Mr. Pennell in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the resolution with amendments, (which restored it to the state in which it was received from the House of Representatives); which were read as reported.

On motion, and by special order,

The said resolution was further considered, and adopted as reported by committee of the whole.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said resolution.

Moved by Mr. Sommer and Mr. Gress,

Whereas the custom of calling the roll in Senate, appears not only useless, as the reason which introduced it no longer exists, but is at variance with one of the standing rules, which declares, that, "*after the Speaker takes the chair, he shall call to order, and on the appearance of a quorum being present, shall cause the Journal of the preceding day to be read.*" Therefore,

Resolved, That Senate henceforth discontinue the custom of calling the roll.

Ordered to be laid upon the table.

On motion of Mr. Sommer and Mr. Wayne,

The said resolution was again read; and the Yeas and Nays on adopting the same, were required by Mr. Roberts and Mr. Dorsey; and, on the question being put, the Members voted as follow, *to wit*:

#### YEAS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Gress,

#### YEAS.

5. Mr. Harris,
6. Mr. Lattimore,
7. Mr. Mayer,
8. Mr. Miller,

- |                    |                                |
|--------------------|--------------------------------|
| 9. Mr. Mitchell,   | 12. Mr. Sommer,                |
| 10. Mr. Rankin,    | 13. Mr. Wayne,                 |
| 11. Mr. Slaymaker, | 14. Mr. Lane, <i>Speaker</i> . |
| NAYS.              | NAYS.                          |

- |                 |                  |
|-----------------|------------------|
| 1. Mr. Dorsey,  | 6. Mr. M'Arthur, |
| 2. Mr. Hart,    | 7. Mr. Pennell,  |
| 3. Mr. Hiester, | 8. Mr. Rahm,     |
| 4. Mr. Laird,   | 9. Mr. Roberts,  |
| 5. Mr. Martin,  | 10. Mr. Vance.   |

Fourteen Yeas and ten Nays; by which it appeared, the question was determined in the affirmative.

Moved by Mr. Harris and Mr. Brady,

Resolved, That the Clerk of Senate be and he is hereby directed to procure, for the use of Senate, the following books, *to wit* :

The political writings of John Dickenson.

Bolingbroke's Works.

Whitehurst's Theory of the Earth.

Hutton's do.

Denon's Travels in Upper Egypt.

Mavor's Abridgment of Voyages and Travels.

Oliver's Travels in Egypt and Persia.

St. Piere's Studies of Nature.

Travels of Anacharsis the younger.

Lampriere's Classical Dictionary.

Noorthouk's do.

Montifiere's Commercial do.

Dictionary of the Wonders of Nature and Art.

Adams' Lectures on Philosophy, natural and experimental.

Malthus on Population.

Playfair's Statistical Breviary on the resources of nations.

Mirabeau's secret History of the Court of Berlin.

Reed's Essays on the Powers of the Human Mind.

Naval Tactics, by Clark.

Buffon's Natural History.

Medical Repository, by Mitchell and Miller.

Gillie's Greece.

Junius' Letters.

Plutarch's Lives.

Robertson's Histories.

Anderson on Commerce.

Burgh's Political and Philosophical Works.

Hume's do.

Caddick's Hebrew made Easy.

American Annual Register.

Barton's Botany.

M'Kenzie's Reports on Ossian.

Dallas' Reports, fourth volume.

Proud's History of Pennsylvania.

Tatham's Scale of Truth.

Ordered to lie upon the table.

Adjourned till 11 o'clock, to-morrow morning.

## Wednesday, February 3, 1808.

Mr. Gress asked and obtained leave of absence for six days.

Mr. Mitchell, from the committee to whom was re-committed, on the thirtieth of last month, the bill entitled, "*An act for the relief of John Ashton,*" reported the said bill with one amendment; which was read as reported.

Mr. Sommer, from the committee to whom was yesterday referred the bill entitled, "*An act to allow further time for completing the Frankford and Bristol turnpike road, and erecting a bridge over Neshamany creek,*" reported the said bill without amendment.

The bill entitled, "*An act to raise by way of lottery, a sum of money for the purpose of finishing the meeting-house in Wilkesbarre, and protecting the bank of the river, opposite the borough, from the encroachments of the river,*" was read the third time.

Whereupon,

The Yeas and Nays on the passage of the bill, were required by Mr. Vance and Mr. Roberts; and, on the question, "*Shall this bill pass?*" being put, the Members voted as follow, *to wit:*

YEAS.

1. Mr. Blocher,
2. Mr. Brady,

YEAS.

3. Mr. Campbell,
4. Mr. Gress,

## YEAS.

5. Mr. Harris,
6. Mr. Hart,
7. Mr. Hiester,
8. Mr. Laird,
9. Mr. Lattimore,
10. Mr. Mayer,
11. Mr. M'Arthur,

## YEAS.

12. Mr. Miller,
13. Mr. Rahm,
14. Mr. Slaymaker,
15. Mr. Sommer,
16. Mr. Wayne,
17. Mr. Lane, *Speaker*.

## NAYS.

1. Mr. Dorsey,
2. Mr. Heston,
3. Mr. Martin,
4. Mr. Mitchell,

## NAYS.

5. Mr. Pennell,
6. Mr. Rankin,
7. Mr. Roberts,
8. Mr. Vance.

Seventeen Yeas and eight Nays; by which it appeared, that the question was determined in the affirmative.

Ordered, That the said bill be returned to the House of Representatives, with information, that Senate have passed the same with one amendment; in which the concurrence of that House is requested.

(The amendment provides, that neither the lottery commissioners, nor any other person, shall receive compensation for the services enjoined on the said commissioners by the act.)

The bill entitled, "*An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house for the use of the joint Lutheran and Reformed congregations at the Union church in Whitehall township, in the county of Northampton, and to defray the expenses of said church,*" was read the third time.

Whereupon,

The Yeas and Nays on the passage of the said bill, were required by Mr. Pennell and Mr. Vance; and, on the question, "*Shall this bill pass?*" being put, the Members voted as follow, *to wit*:

## YEAS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Hart,
7. Mr. Hiester,

## YEAS.

8. Mr. Laird,
9. Mr. Lattimore,
10. Mr. Mayer,
11. Mr. M'Arthur,
12. Mr. Miller,
13. Mr. Rahm,
14. Mr. Slaymaker,

## YEAS.

15. Mr. Sommer,
16. Mr. Wayne,

## NAYS.

1. Mr. Dorsey,
2. Mr. Heston,
3. Mr. Mitchell,
4. Mr. Pennell,

## YEAS.

17. Mr. Lane, *Speaker*.

## NAYS.

5. Mr. Rankin,
6. Mr. Roberts,
7. Mr. Vance.

Seventeen Yeas and seven Nays; by which it appeared, that the question was determined in the affirmative.

Ordered, That the said bill be returned to the House of Representatives, with information, that Senate have passed the same with one amendment, in which the concurrence of that House is requested; which amendment is similar to that made in the last mentioned bill.

The bill entitled, "*An act to raise by way of lottery, a sum not exceeding six thousand dollars, for purchasing a lot or lots of ground, building a school-house and house for divine worship thereon, in the borough of Bedford,*" was read the third time.

Whereupon,

The Yeas and Nays on the passage of the said bill, were required by Mr. Vance and Mr. Pennell; and, on the question, "*Shall this bill pass?*" being put, the Members voted as follow, *to wit*:

## YEAS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Hart,
7. Mr. Heston,
8. Mr. Hiester,
9. Mr. Laird,

## NAYS.

1. Mr. Dorsey,
2. Mr. Mitchell,
3. Mr. Pennell,

## YEAS.

10. Mr. Lattimore,
11. Mr. Mayer,
12. Mr. M'Arthur,
13. Mr. Miller,
14. Mr. Rahm,
15. Mr. Slaymaker,
16. Mr. Sommer,
17. Mr. Wayne,
18. Mr. Lane, *Speaker*.

## NAYS.

4. Mr. Rankin,
5. Mr. Roberts,
6. Mr. Vance.

Eighteen Yeas and six Nays; by which it appeared, that the question was determined in the affirmative.

Ordered, That the said bill be returned to the House of Representatives, with information, that Senate have passed the same with amendments, in which the concurrence of that House is requested.

Which amendments are, to introduce a provision with regard to the commissioners, similar to that in the two foregoing bills; to reduce the sum contemplated to be raised, from "six" to "four" thousand dollars; with some verbal amendments.

The bill entitled, "*An act to raise by way of lottery, a sum not exceeding two thousand dollars, for building a house for divine worship, in Limerick township, Montgomery county,*" was read the third time.

Whereupon,

The Yeas and Nays on the passage of the said bill, were required by Mr. Vance and Mr. Mitchell; and, on the question, "*Shall this bill pass?*" being put, the Members voted as follow, *to wit*:

## YEAS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Hart,
7. Mr. Hiester,
8. Mr. Laird,
9. Mr. Lattimore,

## NAYS.

1. Mr. Dorsey,
2. Mr. Heston,
3. Mr. Martin,
4. Mr. Mitchell,

## YEAS.

10. Mr. Mayer,
11. Mr. M'Arthur,
12. Mr. Miller,
13. Mr. Rahm,
14. Mr. Slaymaker,
15. Mr. Sommer,
16. Mr. Wayne.
17. Mr. Lane, *Speaker*.

## NAYS.

5. Mr. Pennell,
6. Mr. Rankin,
7. Mr. Roberts,
8. Mr. Vance.

Seventeen Yeas and eight Nays; by which it appeared, that the question was determined in the affirmative.

Ordered, That the said bill be returned to the House of Representatives, with information, that Senate have passed the same with amendments, in which the concurrence of that House is requested; which amendments are similar to that made in the Whitehall church lottery, with a few verbal amendments.

The Clerk of the House of Representatives presented for signature, five bills, entitled as follow, *to wit*:

1. "An act establishing an academy in the borough of Uniontown, in the county of Fayette."

2. "An act to enable the trustees of the German Lutheran congregation of the townships of Albany and Linn, in Berks and Northampton counties, to convey to the trustees of the German Reformed congregation an equal right to a church and tract of land therein described."

3. "An act authorizing the court of quarter sessions of Indiana county, to direct a review of that part of the state road leading from Blair's Gap to the western boundary line of the state, which lies between the town of Indiana and the seventh mile-tree westward."

4. "An act for the relief of Thomas Cox."

5. "An act to raise by way of lottery, a sum of money for the purpose of purchasing a burial ground for the society of Universalists in the city of Philadelphia, and to pay a debt by them contracted in the building a house for public worship and the finishing the same."

And he presented for concurrence, two bills, entitled as follow, *to wit* :

1. "An act to raise by way of lottery, a sum of money for the purpose of building a house for public worship in the borough of Chambersburg, Franklin county."

2. "An act to declare masquerades and masqued balls to be common nuisances, and to punish those who promote and encourage them."

Which were severally read the first time.

The Speaker signed the bills presented for signature.

The bill entitled, "*An act granting Joseph Gwyne the depreciation of his pay as a soldier,*" was read the second time, as reported by committee of the whole yesterday, considered by section, and agreed to.

Ordered, That the said bill be prepared for the third reading.

The bill entitled, "*An act to enable Joseph Marshall and William Marshall to sell and convey the real estate of Andrew Marshall, late of Hamilton township, Franklin county, deceased,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the



whole, (Mr. Pennell in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

The bill entitled, "*An act for the relief of Vendel Fortney,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Wayne in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

On motion of Mr. Vance and Mr. Martin,

Agreed, That the further consideration, in committee of the whole, of the bill entitled, "*An act for the relief of Nathan Coulter,*" (order of this day) be postponed for the present.

The bill entitled, "*An act to restrain the evil practice of horse-racing,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Brady in the chair) for the further consideration thereof. And,

After some time,

The committee rose, reported progress, and asked leave to sit again; which was not agreed to.

Whereupon,

On motion of Mr. Wayne and Mr. Sommer,

Resolved, That said bill be re-committed to a select committee. And,

Ordered, That Mr. Wayne, Mr. Vance, Mr. Rankin, Mr. Dorsey, and Mr. Hiester, be the committee.

Mr. Miller, from the committee appointed for that purpose, made the following report, *to wit*:

That, in conjunction with the committee of the House of Representatives, they this day presented to the Governor, for his approbation, the bills, entitled as follow, *to wit*:

1. "An act declaring part of Wallenpaupack creek, in Wayne county, a public highway."

2. "An act to raise by way of lottery, a sum of money for the purpose of purchasing a burial ground for the society of Universalists in the city of Philadelphia, and to pay a debt by them contracted in the building a house for public worship and the finishing the same."

3. "An act for the relief of Thomas Cox."

4. "An act for the further relief of Charles Thomson."

5. "An act to enable the trustees of the German Lutheran congregation, in the townships of Albany and Linn, in Berks and Northampton counties, to convey to the trustees of the German Reformed congregation an equal right to a church and tract of land therein described."

6. "An act to establish an academy in the borough of Uniontown, in the county of Fayette."

7. "An act authorizing the court of quarter sessions of Indiana county, to direct a review of that part of the state road leading from Blair's Gap to the western boundary line of the state, which lies between the town of Indiana and the seventh mile-tree westward."

On motion of Mr. Brady and Mr. Miller,

The Senate resumed the consideration of the report of the committee respecting the delay in printing and distributing the Laws and Journals of the last session, together with the resolution, postponed for the present yesterday.

The consideration of the said resolution recurring:

After debate,

A motion was made by Mr. Brady and Mr. Wayne, to postpone the further consideration of the subject for the present; and, that the documents upon which the said report is founded be inserted on the Journal.

Mr. Hart called for a division of the motion, so that a question may be first taken on the postponement of the report and resolution for the present; which was agreed to.

Whereupon,

The question on the motion to postpone being put, was determined in the affirmative. And,

Thereupon,

A motion was made by Mr. Roberts and Mr. Hart, that Senate adjourn; which was agreed to.

Whereupon,  
Adjourned till 11 o'clock, to-morrow morning.

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Thursday, February 4, 1808.

The Clerk of the House of Representatives presented, for concurrence, the bill entitled, "An act to enable commissioners to convey lots of ground, in the town of Fanetsburg, in the county of Franklin."

And he informed, that the House of Representatives have concurred the amendments by Senate, to the bills, entitled as follow, *viz.*

1. "An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house, for the use of the joint Lutheran and Reformed congregations, at the Union church in Whitehall township, in the county of Northampton, and to defray the expences of said church."

2. "An act to raise by way of lottery, a sum of money for the purpose of finishing the meeting-house in Wilkesbarre, and for protecting the bank of the river, opposite the borough, from the encroachments of the river."

3. "An act to raise by way of lottery, a sum not exceeding six thousand dollars, for purchasing a lot or lots of ground, building a school-house and house for divine worship thereon, in the borough of Bedford."

4. "An act to raise by way of lottery, a sum of money not exceeding two thousand dollars, for building a house for divine worship in Limerick township, Montgomery county."

The bill presented for concurrence, was read the first time.

The Speaker laid before the Senate, the memorial and representation of the officers of the first division of Pennsylvania militia; stating certain defects in the militia system, referring to former memorials on the same subject, and calling the attention of the Legislature

thereto. And the same was twice read, and referred to the committee appointed on the militia system.

Mr. M'Arthur, from the committee to whom was re-committed, the "*resolution authorizing the Governor to draw his warrant on the State-Treasurer, in favor of Thomas Atkinson,*" for the purpose of bringing in a bill for the same object, reported the bill entitled, "*An act for the relief of Thomas Atkinson;*" which was read the first time.

Mr. Sommer, from the committee to whom was referred on the first instant, the bill entitled, "*An act for establishing and building a bridge across the river Schuylkill, at or near the falls thereof,*" reported the bill with amendments; which were read as reported.

Mr. Roberts, from the committee to whom was referred on the second instant, the bill entitled, "*An act making an appropriation to complete the powder magazine of the state, in the county of Philadelphia,*" reported the said bill, recommending a disagreement thereto.

Mr. Laird, from the committee to whom was referred on the fifth of December last, the fourth item of unfinished business, *to wit*: The report of a committee on the petition of the trustees of the Northumberland academy; on leave now given, reported the bill entitled, "*An act for the relief of the trustees of the Northumberland academy;*" which was read the first time.

Mr. Campbell, from the committee to whom was referred on the twenty-ninth of last month, the petition of John Morris, of the borough of York, doctor of medicine; made the following report:

That they have considered the claim of the petitioner; and find, that he entered early into the service of his country, as surgeon's mate, in General Armang's legion, and was soon afterwards appointed and commissioned surgeon in said legion; that he served to the end of the war, and was honorably discharged; that although the corps to which he was attached, did not belong to the line or troops of any particular state, yet the services they rendered are fully evidenced by the grants given in land by this state, to some of the officers of said legion; and, as it appears from the certificate of General Armang, that he had attended faithfully to his duty on the most

trying occasions, and that he stood high in that officer's esteem: the committee therefore conceive, that, in the distribution of justice, the petitioner is equally entitled to that retribution which he asks, and which his services appear justly to entitle him to receive. They therefore offer the following resolution, *to wit*:

Resolved, That a committee be appointed to bring in a bill, granting the petitioner a tract of donation land, agreeably to the prayer of the petitioner.

Whereupon,

On motion, and by special order,

The said report was again read, considered, and the resolution attached thereto adopted.

Ordered, That the committee who brought in the report, be a committee for that purpose.

The Secretary of the Commonwealth presented a message from the Governor; which was read, as follows, *to wit*:

“To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

“GENTLEMEN,

“I HAVE this day approved and signed the following Acts of the General Assembly, and directed the Secretary to return the same to the House of Representatives, in which they originated, *to wit*:

1. “An act declaring part of Wallenpaupack creek, in Wayne county, a public highway.”

2. “An act to enable the trustees of the German Lutheran congregation, of the townships of Albany and Linn, in Berks and Northampton counties, to convey to the trustees of the German Reformed congregation an equal right to a church and tract of land therein described.”

3. “An act for the further relief of Charles Thomson.”

4. “An act for the relief of Thomas Cox.”

5. “An act to raise by way of lottery, a sum of money for the purpose of purchasing a burial ground for the society of Universalists in the city of Philadelphia, and to pay a debt by them contracted in the building a house for public worship and the finishing the same.”

6. "An act establishing an academy in the borough of Uniontown, in the county of Fayette."

7. "An act authorizing the court of quarter sessions of Indiana county, to direct a review of that part of the state road leading from Blair's Gap to the western boundary line of the state, which lies between the town of Indiana and the seventh mile-tree westward."

"THOMAS M'KEAN.

"*Lancaster, February 4, 1808.*"

The bill entitled, "*An act granting Joseph Gwyne the depreciation of his pay as a soldier,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill with amendments, in which the concurrence of that House is requested. (The amendments are merely verbal.)

The bill entitled, "*An act to enable Joseph Marshall and William Marshall to sell and convey the real estate of Andrew Marshall, late of Hamilton township, Franklin county, deceased,*" as reported by committee of the whole yesterday, was considered by section, and agreed to.

Ordered, That the said bill be prepared for the third reading.

The bill entitled, "*An act for the relief of Vendel Fortney,*" as reported by committee of the whole yesterday, was considered by section.

The first and only section being under consideration;

A motion was made by Mr. Wayne and Mr. Laird, to amend the section, by inserting at the end thereof, a provision, That if the annuity granted by the act should be transferred, the same should be forfeited to the Commonwealth.

On which motion,

The Yeas and Nays were required by Mr. Heston and Mr. Laird; and, on the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Blocher,
2. Mr. Brady,

YEAS.

3. Mr. Campbell,
4. Mr. Harris,

YEAS.

5. Mr. Hart,
6. Mr. Heston,
7. Mr. Hiester,
8. Mr. Laird,
9. Mr. Lattimore,
10. Mr. Mayer,
11. Mr. Miller,
12. Mr. Mitchell,
13. Mr. Pennell,

NAYS.

1. Mr. Dorsey,
2. Mr. Martin,

YEAS.

14. Mr. Rahm,
15. Mr. Rankin,
16. Mr. Roberts,
17. Mr. Slaymaker,
18. Mr. Sommer,
19. Mr. Vance,
20. Mr. Wayne,
21. Mr. Lane, *Speaker*.

NAYS.

3. Mr. M'Arthur.

Twenty-one Yeas and three Nays; by which it appeared, that the question was determined in the affirmative.

The preamble having been verbally amended, and agreed to :

Ordered, That the said bill be prepared for the third reading.

The bill entitled, "*An act to allow further time for completing the Frankford and Bristol turnpike road, and erecting a bridge over Neshamany creek,*" was read the second time, and considered by section.

Section I. being under consideration :

A motion was made by Mr. Roberts and Mr. M'Arthur, to postpone the further consideration of the section for the present, in order to take up the second section; which was agreed to.

Whereupon,

Section II. being under consideration :

A motion was made by Mr. Roberts and Mr. Pennell, to strike the word "*twenty*" from line 7, and insert in place thereof "*ten*," referring to the term of years limited for finishing the said road; which was agreed to.

The consideration of Section I. recurring :

Was agreed to.

The preamble and title being agreed to :

Ordered, That the said bill be prepared for the third reading.

"The resolution relative to instructing the Senators

from this state, in the Congress of the United States, and requesting the members of the House of Representatives to use their influence in obtaining an amendment in the Constitution of the United States, for the total prohibition of the importation of slaves," was read the second time. And, being under consideration,

A motion was made by Mr. Roberts and Mr. Mitchell, to strike out the following: "*It is however matter of regret, that several of our sister states have not adopted a policy at once so just and humane ;*" which was agreed to, and the resolution, (with some verbal amendments) as amended, was adopted.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the same with amendments, (as above) in which the concurrence of that House is requested.

The bill entitled, "*An act for the relief of Dillaplain Ridgway,*" was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "*An act to declare masquerades and masqued balls to be common nuisances, and to punish those who promote or encourage them,*" was read the second time, and considered by section.

Section I. being under consideration :

A motion was made by Mr. Roberts and Mr. Hart, to amend the section, by inserting a provision authorizing the mayor's court to add to the punishment of persons convicted under the act, three months imprisonment, besides the fine ; which was agreed to.

A motion was then made by Mr. Roberts and Mr. Hart, further to amend the section, so that the fine shall not be less than fifty dollars ; which was agreed to, and the section as amended, was adopted.

The remaining section, with the title, being agreed to :

Ordered, That the said bill be prepared for the third reading.

On motion of Mr. Hart and Mr. Pennell, and by special order,

The said bill was read the third time.

Whereupon,

The Yeas and Nays on the passage of the said bill, were required by Mr. Hart and Mr. Pennell; and, on the question, "*Shall this bill pass?*" being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Dorsey,
5. Mr. Harris,
6. Mr. Hart,
7. Mr. Hiester,
8. Mr. Laird,
9. Mr. Lattimore,
10. Mr. Martin,
11. Mr. Mayer,
12. Mr. M'Arthur,

YEAS.

13. Mr. Miller,
14. Mr. Mitchell,
15. Mr. Pennell,
16. Mr. Rahm,
17. Mr. Rankin,
18. Mr. Roberts,
19. Mr. Slaymaker,
20. Mr. Sommer,
21. Mr. Vance,
22. Mr. Wayne,
23. Mr. Lane, *Speaker*.

NAY. Mr. Heston.

Twenty-three Yeas and one Nay; by which it appeared, that the question was determined in the affirmative.

Ordered, That the said bill be returned to the House of Representatives, with information, that Senate have passed the same with amendments, (as before mentioned) in which the concurrence of that House is requested.

Mr. Heston then gave notice, that he would, to-morrow, present the reasons for his vote on the said bill, in writing, to be entered on the Journal.

The Clerk of the House of Representatives presented for signature, four bills, entitled as follow, *to wit*:

1. "An act to raise by way of lottery, a sum of money for the purpose of finishing the meeting-house in Wilkesbarre, and for protecting the bank of the river, opposite the borough, from the encroachments of the river."

2. "An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house, for the use of the joint Lutheran and Reformed congregations, at the Union church in Whitehall township, in the county of Northampton, and to defray the expences of said church."

3. "An act to raise by way of lottery, a sum not

exceeding four thousand dollars, for purchasing a lot or lots of ground, building a school-house and house for religious worship thereon, in the borough of Bedford.”

4. “An act to raise by way of lottery, a sum of money not exceeding two thousand dollars, for building a house for religious worship in Limerick township, Montgomery county.”

Whereupon,

The Speaker signed the said bills.

On motion of Mr. Roberts and Mr. Brady,

The Senate resumed the consideration of the report of the committee on the causes of delay in printing and distributing the Laws and Journals of the last session, postponed for the present yesterday.

Thereupon,

The motion of Mr. Brady and M. Wayne recurring, *to wit*: That the documents upon which the report is founded, be entered on the Journal.

A motion was then made by Mr. Vance and Mr. Roberts, to postpone the further consideration of the foregoing, in order to introduce the following:

Resolved, That the Clerk be hereby directed to furnish the Secretary of the Commonwealth with certified copies of such of the papers, accompanying the report of a committee authorized to inquire into the causes of delay in printing and distributing the Laws and Journals of the last session of the Legislature, the Militia Law, &c. as he may require.

After debate,

A motion was made by Mr. Dorsey and Mr. Hiester, that Senate adjourn; which was not agreed to.

Whereupon,

The Yeas and Nays on the motion to postpone, were required by Mr. Brady and Mr. Pennell; and, on the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Blocher,
2. Mr. Hart,
3. Mr. Hiester,
4. Mr. Laird,
5. Mr. Martin,
6. Mr. M'Arthur,

YEAS.

7. Mr. Mitchell,
8. Mr. Pennell,
9. Mr. Rankin,
10. Mr. Roberts,
11. Mr. Vance.

NAYS.

1. *Mr. Brady,*
2. *Mr. Campbell,*
3. *Mr. Dorsey,*
4. *Mr. Harris,*
5. *Mr. Heston,*
6. *Mr. Lattimore,*
7. *Mr. Mayer,*

NAYS.

8. *Mr. Miller,*
9. *Mr. Rahm,*
10. *Mr. Slaymker,*
11. *Mr. Sommer,*
12. *Mr. Wayne,*
13. *Mr. Lane, Speaker.*

Eleven Yeas and thirteen Nays ; by which it appeared, that the question was determined in the negative.

Whereupon,

The motion of *Mr. Brady* and *Mr. Wayne* recurring ;

A motion was made by *Mr. Pennell* and *Mr. Hart*, to adjourn ; which was agreed to.

Adjourned till 11 o'clock, to-morrow morning.

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## *Friday, February 5, 1808.*

Agreeably to the notice given yesterday, *Mr. Heston* offered the reasons for his vote against the bill entitled, “ An act to declare masquerades and masqued balls to be common nuisances, and to punish those who promote or encourage them ; ” and, by consent of the Senate, the same were received, and entered on the Journal, as follow, *to wit* :

Reasons of the vote of *Edward Heston*.

1. It is declared by the Constitution, which he had taken his solemn affirmation to support, that excessive fines should not be imposed, nor cruel punishments inflicted.

2. That such excessive fines and cruel punishments will subject the young and inconsiderate to hardships, which neither the enormity of the crime nor the suppression of vice demands.

3. Because excessive penalties have a tendency to defeat their object by rendering it difficult to execute laws, in which no proportion is observed between crimes and their punishments.

EDWARD HESTON.

Mr. Harris presented the memorial of the subscribers thereto, electors of Potter and Ferguson townships, in the county of Centre; stating, That considerable difficulties will arise, should the said townships be divided into separate election districts (as prayed for by a number of the inhabitants of those townships). They therefore remonstrate against the same. And the said memorial was read, and

Laid upon the table.

Mr. Sommer, from the committee to whom was referred on the first instant, the bill entitled, "*A further supplement to the act entitled, 'An act for raising county rates and levies,'*" reported the said bill with amendments; which were read as reported.

Mr. Brady, from the committee to whom was re-committed the bill entitled, "*An act for the establishment of schools throughout this Commonwealth,'*" reported the said bill with amendments; which were read as reported.

On leave given, Mr. Sommer read a bill in his place; and, by permission of the Senate, presented the same to the chair, entitled, "*An act to provide for the education of children under a certain age,'*" which was read the third time.

The Clerk of the House of Representatives presented for signature, "*the resolution enjoining certain duties on the Master of Rolls.*"

Whereupon,

The Speaker signed the same.

The bill entitled, "*An act to enable Joseph Marshall and William Marshall to sell and convey the real estate of Andrew Marshall, late of Hamilton township, Franklin county, deceased,'*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "*An act for the relief of Dillaplain Ridgway,'*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "*An act to allow further time for completing the Frankford and Bristol turnpike road, and erecting a bridge over Neshaminy creek,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill with one amendment, in which the concurrence of that House is requested. The amendment is, to allow "*ten*" instead of "*twenty*" years for completing the said road.

The bill entitled, "*An act for the relief of Vendel Fortney,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*An act for establishing and building a bridge across the river Schuylkill, at or near the falls thereof,*" was read the second time, as reported by select committee yesterday.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Pennell in the chair.) And,

After some time,

The committee rose, and reported the bill with one amendment; which was read as reported.

On motion of Mr. Vance and Mr. Martin,

The Senate resumed, in committee of the whole, (Mr. Roberts in the chair) the consideration of the bill entitled, "*An act for the relief of Nathan Coulter.*" And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

Whereupon,

On motion of Mr. Hart and Mr. Rahm, and by special order,

The said bill was considered by section, and agreed to.

The title having been amended, so as to read, "*An act for the relief of Nathaniel Coulter,*" and agreed to :

Ordered, That the said bill be prepared for the third reading.

On leave given, Mr. Miller read a bill in his place ; and, by permission of the Senate, presented the same to the chair, entitled, "*An act repealing the first section of an act entitled, 'An act supplementary to an act entitled, 'An act that no public house or inn within this province be kept without licence ;'*" which was read the first time.

On motion of Mr. Rahm and Mr. Hiester,

The Senate resumed, in committee of the whole, (Mr. Hart in the chair) the further consideration of the bill entitled, "*An act for the relief of the inhabitants of the village of Palmyra, in the township of Londonderry, Dauphin county.*" And,

After some time,

The committee rose, and reported the bill with amendments ; which were read as reported.

On motion of Mr. Hart and Mr. Rahm, and by special order,

The said bill was considered by section and agreed to.

Ordered, That it be prepared for the third reading.

Adjourned till 11 o'clock, to-morrow morning.



*Saturday, February 6, 1808.*

The bill entitled, "*An act for the relief of Nathan Coulter,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That the said bill be returned to the House of Representatives, with information, that Senate have passed the said bill with amendments, in which the con-

currence of that House is requested ; which amendments are merely verbal, except that the name throughout the bill and title, be made to read "*Nathaniel*" Coulter.

The bill entitled, "*An act for the relief of the inhabitants of the village of Palmyra, in the township of Londonderry, Dauphin county,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*An for act establishing and building a bridge across the river Schuylkill, at or near the falls thereof,*" was read the second time, as reported by committee of the whole yesterday, and considered by section.

Section I. being under consideration :

A motion was made by Mr. Sommer and Mr. Roberts, to amend the same, by inserting the following proviso in line 49: "That no tolls shall be taken from any person or persons attending funerals or walking in military procession, or from persons belonging to the militia in going to, or returning from muster, on days of training; and, that the tolls shall be so regulated, that the nett profits arising from said bridge, shall never exceed fifteen per centum per annum on the money expended in erecting the same, and keeping it in repair. And provided further."

A motion was then made by Mr. M'Arthnr and Mr. Blocher, to amend the amendment, by striking out "*fifteen*" and inserting "*nine*" in lieu thereof, so as to limit the profits of the company to nine per centum; which was not agreed to.

Whereupon,

The question on the original motion being put, was determined in the affirmative.

The remaining sections, with the preamble, being agreed to :

Ordered, That the said bill be prepared for the third reading.

The Clerk of the House of Representatives presented for concurrence, the bill entitled, "An act to raise by

way of lottery, a sum not exceeding two thousand five hundred dollars for finishing a church in the town of Hanover, in the county of York."

And he informed,

That the House of Representatives have concurred in the amendments, by Senate, to the bills, entitled as follow :

1. "An act to declare masquerades and masqued balls to be common nuisances, and to punish those who promote or encourage them."

2. "An act granting Joseph Gwyne the depreciation of his pay as a soldier."

3. "An act to allow further time for completing the Frankford and Bristol turnpike road, and erecting a bridge over Neshamany creek." And

"The resolution relative to the total prohibition of the importation of slaves."

The bill presented for concurrence, was read the first time.

The bill entitled, "*An act to raise by way of lottery, a sum of money for the purpose of building a meeting-house in the borough of Chambersburg, Franklin county,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Sommer in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

The resolution authorizing the Clerk to procure certain books, read on the second instant, was again read, considered, and adopted.

Adjourned till 11 o'clock, Monday morning.

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Monday, February 8, 1808.

The Clerk of the House of Representatives presented for concurrence, the bill entitled, "An act to enable the elders, wardens, and members of the Lutheran and

Presbyterian congregations in Robinson township, Berks county, to raise by way of lottery, a sum of money for the purpose of building a meeting-house and school-house in the said township;" which was read the first time.

Mr. Pennell presented the petition of the subscribers thereto, inhabitants of the borough of Connelville, in the county of Fayette; praying, That an act may be passed to prevent the running at large of hogs within the said borough. And the said petition was twice read, and referred to Mr. Pennell, Mr. Sommer, and Mr. Rankin, to consider and report thereon.

The bill entitled, "*An act for establishing and building a bridge across the river Schuylkill, at or near the falls thereof,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill with amendments, in which the concurrence of that House is requested.

The amendments are merely verbal, except the proviso inserted in the first section: For which see Journal of yesterday.

The bill entitled, "*An act to raise by way of lottery, a sum of money for the purpose of building a meeting-house in the borough of Chambersburg, Franklin county,*" was read the second time, as reported by committee of the whole on the sixth instant, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

Agreeably to order, the Senate resumed, in committee of the whole, (Mr. Sommer in the chair) the consideration of the bill entitled, "*An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house in Shippensburg, in the county of Cumberland.*" And,

After some time,

The committee rose, and reported the bill with the first section negatived.

The bill entitled, "*An act to enable the Governor to*

incorporate a company to make an artificial road, by the best and nearest route, from the town of Hanover, in the county of York, to the Maryland line, at or near the place the turnpike from Baltimore to the state line, towards Hanover, will strike the same," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Hart in the chair) for the further consideration thereof. And,

After some time,

The committee rose, reported progress, and had leave to sit again on Monday the fifteenth instant.

Mr. Dorsey asked and obtained leave of absence for a few days.

Mr. Sommer asked and obtained leave of absence for Mr. Wayne, for a few days.

The bill entitled, "*An act for the relief of John Huton,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Harris in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

On motion of Mr. Mitchell and Mr. Hart, and by special order,

The said bill was considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

On leave given, Mr. Roberts read a bill in his place; and, by permission of the Senate, presented the same to the chair, entitled, "*An act to prevent the clerks in the Land-Offices from acting as agents to any person or persons, in transacting business in those offices;*" which was read the first time.

The report of the committee, to whom was referred the letter from William Graydon, read on the fifteenth of last month, was again read.

Whereupon, after debate,

A motion was made by Mr. Mitchell and Mr. Martin,

to postpone the further consideration of the same for the present; which was agreed to.

On motion of Mr. M'Arthur and Mr. Pennell,

Senate resumed the consideration of the report of the committee on the causes of delay in printing the Journals and Laws of the last session.

The motion for inserting the documents, on which the report is founded, on the Journal, recurring:

A motion was made by Mr. M'Arthur and Mr. Pennell, *to wit*:

Whereas, since the report of the committee relating to the causes of delay in printing and distributing the Laws, Journals and Militia Law, &c. has been made to Senate, further evidence to substantiate the principle on which said report was founded, can be obtained. And whereas, at the very threshold of the discussion of the merits and grounds of said report, and the resolution attached thereto, a motion has been made to postpone the same for the present; and, that the documents on which said report is founded, be inserted on the Journal of the Senate. And whereas it is proper, should the motion for inserting the documents on the Journal be adopted, that all the proofs, in anywise applicable to that part of the report, which implicates the conduct of the Secretary of the Commonwealth, should be brought into view.

Therefore,

Resolved, That the report, together with the resolution proposed to be attached thereto, and the motion to insert the documents on the Journal of the Senate, be re-committed to the committee who made the said report, with power to send for persons and papers.

Ordered to lie upon the table.

Whereupon,

A motion was made by Mr. Roberts and Mr. M'Arthur, that the said resolution be again read; which was agreed to. And,

After debate,

The question on adopting the said resolution being put, was determined in the affirmative.

Adjourned till 11 o'clock, to-morrow morning.

Tuesday, February 9, 1808.

Mr. Martin presented the petition of Andrew Crookshank, of Butler county; stating, That he took an early and an active part in the late revolutionary war, as a sergeant in Captain Clook's company, in the eighth Pennsylvania regiment; that he was paid in a depreciated currency; and, that he received no other compensation for his services from the United States, or from this state; he therefore prays relief. And the said petition was twice read, and referred to Mr. Martin, Mr. Mitchell, and Mr. Wayne, to consider and report thereon.

Mr. Campbell presented the petition of Edward Cavanoch; stating, That he enlisted in the service of the United States, in Captain Matthew Smith's company, and marched to Quebeck under the command of General Arnold, a march well recollected to have been attended with peculiar hardships; that he lost his health, and is now laboring under all the disadvantages incident thereto; and, as he has a family to support, he therefore prays relief. And the said petition was twice read, and referred to Mr. Campbell, Mr. Vance, and Mr. Miller, to consider and report thereon.

Mr. Rahm presented the petition of the inhabitants of Myerstown, and the vicinity, in the county of Dauphin; praying to be enabled to raise by way of lottery, the sum of three thousand dollars to defray the expences of erecting a school-house in the said town. And the said petition was twice read, and referred to Mr. Rahm, Mr. Hiester, and Mr. Blocher, to consider and report thereon.

Mr. Vance, from the committee appointed for that purpose on the thirty-first December, reported the bill entitled, "*An act making provision for the defence of the northern and western frontiers of this state;*" which was read the first time.

The bill entitled, "*An act to raise by way of lottery, a sum of money for the purpose of building a meeting-house in the borough of Chambersburg, Franklin county,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "*An act for the relief of John Huton,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*An act for the relief of George Stevenson,*" was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "*An act to raise by way of lottery, a sum not exceeding two thousand five hundred dollars for finishing a church in the town of Hanover, in the county of York,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Hart in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

The Clerk of the House of Representatives informed the Senate, that the House of Representatives have concurred in the amendments by Senate, to the bill entitled, "*An act for the relief of Nathaniel Coulter.*"

And he presented for signature, the bills, entitled as follow, *to wit*:

1. "*An act to enable Joseph Marshall and William Marshall to sell and convey the real estate of Andrew Marshall, late of Hamilton township, Franklin county, deceased.*"

2. "*An act granting Joseph Gwyne the depreciation of his pay as a soldier.*"

3. "*An act to allow further time for completing the Frankford and Bristol turnpike road, and for erecting a bridge over Neshamany creek.*"

4. "An act for the relief of Dillaplain Ridgway."

5. "An act to declare masquerades and masqued balls to be common nuisances, and to punish those who promote or encourage them."

6. "An act for the relief of Nathaniel Coulter." And,

7. "The resolution relative to an amendment to the constitution of the United States, respecting the total prohibition of the importation of slaves."

Whereupon,

The Speaker signed the said bills, and resolution.

Mr. Mitchell called for the second reading of the report of the committee on the subject of the amendment of the Constitution of the United States, proposed by the State of Vermont.

Moved by Mr. Heston and Mr. Sommer,

That the second reading and further consideration of the said report, be the order of the day for Friday next.

Mr. Wayne and Mr. Miller mentioned Monday next.

Mr. Mitchell and Mr. Martin mentioned to-morrow.

Whereupon, after debate,

The question was taken on the most distant day, and determined in the negative.

The question was then taken on the motion for Friday, and also disagreed to.

Thereupon,

The question on the motion for to-morrow, was determined in the affirmative.

Moved by Mr. Mitchell and Mr. Martin,

That when Senate adjourn, the adjournment be to 10 o'clock, to-morrow morning; which was not agreed to.

A motion was then made by Mr. Roberts and Mr. Hiester, that the adjournment be till half past 10 o'clock, to-morrow morning; which was also disagreed to.

Whereupon,

The Senate adjourned till 11 o'clock, to-morrow morning.

Wednesday, February 10, 1808.

Mr. Harris presented the petition of the subscribers thereto, inhabitants of the counties of Lycoming and Centre; stating, That the post road from Williamsport to Alexandria, passes the Bald Eagle creek, near the boundary lines of the said counties, and is one of the principal roads, which connects the eastern and western counties; that there is considerable difficulty and danger at particular seasons of the year, in crossing the said creek. They therefore pray a grant of two thousand five hundred dollars to enable them to erect a bridge over the said creek. And the petition was twice read, and referred to Mr. Harris, Mr. Hiester, and Mr. Rahm, to consider and report thereon.

The bill entitled, "*An act for the relief of George Stevenson,*" was read the third time.

Whereupon,

A motion was made by Mr. Roberts and Mr. Pennell, that the said bill be re-committed to the committee who reported it; which was agreed to.

The bill entitled, "*An act to raise by way of lottery, a sum not exceeding two thousand five hundred dollars for finishing a church in the town of Hanover, in the county of York,*" was read the second time, as reported by committee of the whole yesterday, considered by section, and agreed to.

Ordered, That the said bill be prepared for the third reading.

The Clerk of the House of Representatives returned the bill entitled, "An act for the relief of the inhabitants of the village of Palmyra, in the township of Londonderry, Dauphin county." And informed, that the House of Representatives have passed the said bill with amendments, in which the concurrence of Senate is requested.

And he presented for concurrence, three bills, entitled as follow, *to wit* :

1. "An act to raise by way of lottery, a sum of money to defray the expences incurred by the trustees of the German Presbyterian, and German Lutheran

congregations, in the borough of Carlisle and its vicinity, in the county of Cumberland."

2. "A further supplement to an act entitled, "An act to provide for the erection of a house for the employment and support of the poor in the county of Dauphin."

3. "An act for the relief of Samuel Ashton."

Which were severally read the first time.

The amendments by the House of Representatives to the bill entitled, "An act for the relief of the inhabitants of the village of Palmyra, in the township of Londonderry, Dauphin county," were also read the first time.

(These amendments are merely verbal, except that "three" commissioners instead of "two," are required to attend at the drawing of the lottery in the said act authorized.)

A motion was made by Mr. Roberts and Mr. Pennell, that the two first orders of the day be postponed, for the purpose of proceeding to the second reading of the report of the committee on the subject of the amendment of the Constitution of the United States, proposed by the State of Vermont.

After debate,

The question on the motion being put, was determined in the affirmative.

Whereupon,

The said resolution was again read; and, being under consideration, *to wit*:

Resolved, by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the Senators representing this State in the Congress of the United States, be hereby instructed; and, that the Representatives from this State in the Congress aforesaid, be hereby requested to endeavor to have the Constitution of the United States so amended, as that the judges of the courts thereof shall hold their offices for a term of years; that they shall be removed by the President of the United States, on an address of the majority of the Members present of the Senate and House of Representatives of the United States, in Congress assembled; and, that on all trials of impeach-

ment for high crimes and misdemeanors, a majority of the Senate shall be competent to conviction.

Mr. Harris and Mr. Brady expressed their doubts of the correctness of the committee, on the point of order, in reporting the said resolution, conceiving the resolution from the state of Vermont to be a specific proposition; and, that consequently the committee should have drawn a simple affirmative or negative result: but submitted the question of order to the Speaker:

The Speaker declared, that, in his opinion, although the resolution reported by the committee was of more extensive purport, yet it embraced the principles contained in the resolution from Vermont; and, that it would be more decorous to avoid a direct negative on the proposition from that state: and moreover, that, as Senate had received the report of the committee with the resolution attached thereto, the question on the point of order did not now apply.

Thereupon,

On motion of Mr. Roberts and Mr. Hart,

The Senate resolved itself into committee of the whole, (Mr. Pennell in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the resolution without amendment.

Moved by Mr. Roberts and Mr. Mitchell,

That Senate proceed to the further consideration of the said resolution.

A motion was then made by Mr. Sommer and Mr. Heston, to adjourn; which was not agreed to.

Another motion to adjourn was made by Mr. Sommer and Mr. Wayne; which was also disagreed to.

Whereupon,

The Yeas and Nays on the motion to proceed in the consideration of the resolution, as reported by committee of the whole, were required by Mr. Wayne and Mr. Sommer; and, on the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Blocher,
2. Mr. Hart,

YEAS.

3. Mr. Hiester,
4. Mr. Laird,

YEAS.

5. Mr. Martin,
6. Mr. M^cArthur,
7. Mr. Mitchell,
8. Mr. Pennell,
9. Mr. Rahm,

NAYS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Gress,
4. Mr. Harris,
5. Mr. Heston,
6. Mr. Lattimore,

YEAS.

10. Mr. Rankin,
11. Mr. Roberts,
12. Mr. Vance,
13. Mr. Lane, *Speaker*.

NAYS.

7. Mr. Mayer,
8. Mr. Miller,
9. Mr. Slaymaker,
10. Mr. Sommer,
11. Mr. Wayne.

Thirteen Yeas and eleven Nays; by which it appeared, that the question was determined in the affirmative. And the said resolution was accordingly read the second time.

Whereupon,

A motion was made by Mr. Sommer and Mr. Heston, to amend the resolution so as to read as follows, *to wit*:

“That the Senators representing this State in the Congress of the United States, be hereby instructed; and, that the Representatives from this state in the Congress aforesaid, be hereby requested to endeavor to have the Constitution of the United States so amended as that the judges of the courts thereof shall be removable from office by the President, on the address of two-thirds of each branch of the Legislature.”

A motion was then made by Mr. Brady and Mr. Sommer, to postpone the consideration of the resolution and motion to amend, for the present; which was not agreed to.

Thereupon,

The Yeas and Nays on the motion to amend, were required by Mr. Brady and Mr. Miller; and, on the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Gress,
4. Mr. Harris,

YEAS.

5. Mr. Heston,
6. Mr. Lattimore,
7. Mr. Mayer,
8. Mr. Miller,

YEAS.

9. *Mr. Slaymker,*
10. *Mr. Sommer,*

NAYS.

1. *Mr. Blocher,*
2. *Mr. Hart,*
3. *Mr. Hiester,*
4. *Mr. Laird,*
5. *Mr. Martin,*
6. *Mr. M'Arthur,*
7. *Mr. Mitchell,*

YEAS.

11. *Mr. Wayne.*

NAYS.

8. *Mr. Pennell,*
9. *Mr. Rahm,*
10. *Mr. Rankin,*
11. *Mr. Roberts,*
12. *Mr. Vance.*
13. *Mr. Lane, Speaker.*

Eleven Yeas and thirteen Nays; by which it appeared, that the question was determined in the negative.

A motion was then made by Mr. Harris and Mr. Brady, to amend the said resolution so as to read as follows, *to wit*:

“That the Senators representing this state in the Congress of the United States, be hereby instructed; and, that the Representatives from this state in the Congress aforesaid, be hereby requested to endeavor to have the Constitution of the United States so amended, as will empower the President of the United States to remove from office any of the judges of the courts of the United States, upon address to him made for that purpose, by a majority of the House of Representatives and two-thirds of the Senate, in Congress assembled.”

On which motion,

Mr. Harris and Mr. Miller required the Yeas and Nays; and, on the question being put, the members voted as follow, *to wit*:

YEAS.

1. *Mr. Brady,*
2. *Mr. Campbell,*
3. *Mr. Gress,*
4. *Mr. Harris,*
5. *Mr. Heston,*
6. *Mr. Lattimore,*

NAYS.

1. *Mr. Blocher,*
2. *Mr. Hart,*
3. *Mr. Hiester,*
4. *Mr. Laird,*

YEAS.

7. *Mr. Mayer,*
8. *Mr. Miller,*
9. *Mr. Slaymaker,*
10. *Mr. Sommer,*
11. *Mr. Wayne,*

NAYS.

5. *Mr. Martin,*
6. *Mr. M'Arthur,*
7. *Mr. Mitchell,*
8. *Mr. Pennell,*

NAYS.

9. *Mr. Rahm,*
10. *Mr. Rankin,*
11. *Mr. Roberts,*

NAYS.

12. *Mr. Vance,*
13. *Mr. Lane, Speaker.*

Eleven Yeas and thirteen Nays ; by which it appeared, that the question was determined in the negative.

Thereupon,

The Yeas and Nays on adopting the resolution, as reported by committee of the whole, were required by Mr. Wayne and Mr. Sommer ; and, on the question being put, the Members voted as follow, *to wit :*

YEAS.

1. *Mr. Blocher,*
2. *Mr. Hart,*
3. *Mr. Hiester,*
4. *Mr. Laird,*
5. *Mr. Martin,*
6. *Mr. M'Arthur,*
7. *Mr. Mitchell,*

YEAS.

8. *Mr. Pennell,*
9. *Mr. Rahm,*
10. *Mr. Rankin,*
11. *Mr. Roberts,*
12. *Mr. Vance,*
13. *Mr. Lane, Speaker.*

NAYS.

1. *Mr. Brady,*
2. *Mr. Campbell,*
3. *Mr. Gress,*
4. *Mr. Harris,*
5. *Mr. Heston,*
6. *Mr. Lattimore,*

NAYS.

7. *Mr. Mayer,*
8. *Mr. Miller,*
9. *Mr. Slaymaker,*
10. *Mr. Sommer,*
11. *Mr. Wayne.*

Thirteen Yeas and eleven Nays ; by which it appeared, that the question was determined in the affirmative.

Ordered, That the said resolution be presented to the House of Representatives for concurrence.

Adjourned till 11 o'clock, to-morrow morning.

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*Thursday, February 11, 1808.*

Mr. Wayne presented the petition of the subscribers thereto, inhabitants of Chester county, residing on and near the Downingstown, Ephrata and Harrisburg turnpike road ; stating, they have heard, That petitions have been presented to the Legislature, praying for an act incorporating a company for making a turnpike road

from or near the Warren tavern (on the Philadelphia and Lancaster turnpike) to intersect a road leading from Reading-town; that other petitions pray, that the said route may commence at or near the fourteen mile stone, on the Philadelphia and Lancaster turnpike, to the Yellow Springs, then to intersect the road aforesaid. The petitioners state, that the said road, if permitted to be made, will for several miles be parallel to the Philadelphia and Lancaster turnpike; consequently will not much promote the convenience of the people in the neighborhood, but will tend to injure the stock of the present turnpike roads in the said county. And the said petition was read, and

Laid upon the table.

Mr. Vance, from the committee of accounts, made further report, in part; which was read as follows, *to wit*:

That they have examined the accounts of George Bryan, Clerk of the Senate (since last settlement, sixth April last) and the vouchers for the disbursements of the monies intrusted to him, and find, that he has expended the sum of fifty-two dollars and ninety-seven cents, more than he received from the Senate.

The following is an abstract of the accounts of the Clerk:

Account of Printing.

|                                                                                            |   |        |
|--------------------------------------------------------------------------------------------|---|--------|
| Paid William Greear balance of his account for printing bills,                             | - | \$ 66  |
| Paid J. Burnside balance of his account for printing the Journal in the English language,  | - | 307 70 |
| Paid H. Grimler balance of his account for Journal in German,                              |   | 226 25 |
| Paid for examining the printing work of Senate, agreeably to an order of December 9, 1806, | - | 10     |
| Paid for examining the translation of the Journal into German,                             |   | 5      |
| Paid W. Dickson for printing the Index to Journal of last session,                         |   | 87 50  |

*Carried forward,*  
29

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\$ 702 45

|                                                                                                                                                                                                    |           |        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|--------|
| <i>Brought forward,</i>                                                                                                                                                                            | \$ 702 45 |        |
| Paid W. C. Smyth for printing the<br>Indexes to Journals of Senate from<br>the commencement of present con-<br>stitution to and including the ses-<br>sion of 1800, 1801, (say eleven<br>sessions) | - -       | 152    |
| Paid for printing the Governor's ad-<br>dress to the present Legislature,                                                                                                                          | 10        |        |
|                                                                                                                                                                                                    | <hr/>     | 864 45 |

## Account of Contingencies.

|                                                                                                                           |         |         |
|---------------------------------------------------------------------------------------------------------------------------|---------|---------|
| Balance due the Clerk, per settlement<br>of his accounts, April 6, 1807,                                                  | \$ 3 92 |         |
| Paid for stationary,                                                                                                      | -       | 131 67½ |
| Wood and sawing,                                                                                                          | - -     | 77 60   |
| Cellar rent for wood,                                                                                                     | - -     | 30      |
| Binding and lettering books,                                                                                              | -       | 42 1    |
| Paid Adam Hart, per order of com-<br>mittee of accounts, cleaning Senate<br>chamber, &c.                                  | - - -   | 19 50   |
| G. Heckart for transcribing bills last<br>session after his account had been<br>settled by committee,                     | -       | 11 25   |
| Whitewashing Senate chamber, com-<br>mittee room, &c.                                                                     | -       | 7       |
| Cleaning stove pipes,                                                                                                     | - -     | 3 25    |
| Samuel White for sand,                                                                                                    | - - -   | 4 27½   |
| Henry Keppele for painting,                                                                                               | -       | 3       |
| Anthony Hook for a wheelbarrow,                                                                                           |         | 3 50    |
| Michael Heisley for smith work,                                                                                           |         | 4 14    |
| John Wilson for desks, &c.                                                                                                | -       | 6 16    |
| John F. Steinman for sundries,                                                                                            |         | 16 98   |
| Conrad & Co. for Virginia Laws,                                                                                           |         | 8       |
| Sundry small accounts,                                                                                                    | -       | 21 1    |
|                                                                                                                           | <hr/>   | 393 27  |
| Paid sundry accounts as settled by<br>committee of accounts, (see Journal<br>of last session, page 523-4) <i>to wit</i> : |         |         |
| John P. Helfenstein,                                                                                                      | \$      | 62      |
| John F. Steinman,                                                                                                         | - -     | 3       |
| George Moore,                                                                                                             | - - -   | 1 50    |
| Henry Keffer,                                                                                                             | - -     | 2       |
| <i>Carried forward,</i>                                                                                                   |         |         |

|                                      | <i>Brought forward,</i> | \$1,257 72    |
|--------------------------------------|-------------------------|---------------|
| Michael Kleine,                      | - - -                   | 1 25          |
| John Getz, junior,                   | - - -                   | 3 55          |
| Christopher Mayer,                   | - - -                   | 2 53          |
| Matthias Zahm,                       | - - -                   | 3             |
| Adam Hart,                           | - - -                   | 1 40          |
| Richard Folwell,                     | - - -                   | 6             |
| E. Pentland,                         | - - -                   | 6 51          |
| S. H. Smith,                         | - - -                   | 10 25         |
| Wilson & Halsey,                     | - - -                   | 75            |
| William Duane,                       | - - -                   | 45 79         |
| John Wyeth,                          | - - -                   | 2 24          |
| James Cheetham,                      | - - -                   | 6 85          |
| George Kleine,                       | - - -                   | 1 20          |
| William M'Korkle,                    | - - -                   | 22 36         |
| William Dickson,                     | - - -                   | 4 38          |
| E. Bronson,                          | - - -                   | 12 60         |
| C. J. Huetter,                       | - - -                   | 75            |
| Allen & Springer,                    | - - -                   | 1 59          |
| Dr. Moore for postage on newspapers, |                         | 46 28         |
| for postage on letters,              |                         | 1 7           |
| G. Heckart transcribing,             | -                       | 131 24        |
|                                      |                         | <hr/> *318 71 |

Total expenditures by the Clerk, - \$1,576 43  
 From which deduct the following,  
*to wit:*

1807.

|          |                                                                        |                |
|----------|------------------------------------------------------------------------|----------------|
| April 9. | A warrant issued to the Clerk, (see Journal, page 523) for             | \$1,000        |
|          | Ditto, (page 524) for                                                  | 319 46         |
| 13.      | Ditto, (page 552) for                                                  | 200            |
| Nov.     | Received of A. Hart for an old stove belonging to Senate, sold by him, | 4              |
|          |                                                                        | <hr/> 1,523 46 |
|          | Balance due the Clerk,                                                 | \$ 52 97       |

\* The amount, as settled by committee of accounts, was \$319 46; but one account, as examined and settled, *to wit:* S. Engle's, 75 cents remains unpaid; which makes the difference between the above and the same as reported last year.

The following is an abstract of the  
printers' accounts, as settled by the  
Clerk, *to wit*:

Amount of W. Greear's account for  
printing bills, - - - \$ 366  
Payments made, *viz.*

1806.

Dec. 19. By the Clerk, - \$ 100

1807.

Feb. 26. By ditto, - - 100

April 6. By Senate on warrant, 100

May 4. By the Clerk, - 66

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366

Amount of John Burnside's account  
for printing the Journal, - \$1,207 70  
Payments made.

1806.

Dec. 18. By Senate warrant, \$ 300

1807.

March 9. By the Clerk, - 300

April 6. By Senate warrant 300

June 8. By the Clerk, - 80

19. By ditto, - - 200

Nov. 9. By ditto, - - 27 70

---

1,207 70

Henry Grimler's account for printing  
the Journal in the German language, \$ 466 25  
Payments made, *to wit*:

1807.

April 3. By the Clerk, - \$ 240

Aug. 24. By ditto, - - 190

Sept. 19. By ditto, - - 36 25

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466 25

The committee of accounts report further: That it appears by the certificates of Zachariah Poulson, junior, of the city of Philadelphia, printer, and William Dickson, of the borough of Lancaster, printer, and of James Steele, paper-maker, that the Clerk has performed his duty, as prescribed in the resolution of the ninth December, one thousand eight hundred and six, *to wit*: "That the Clerk of the Senate, as soon as the printing of the Journals and bills of this session are finished,



shall employ a person skilled in printing to examine the same, and report to him whether they have been done agreeably to the resolution of one thousand eight hundred and two." They therefore offer the following resolution, *to wit*:

Resolved, That the Speaker draw his warrant on the State-Treasurer, in favor of the Clerk, for the said balance of fifty-two dollars and ninety-seven cents.

Ordered to lie upon the table.

Whereupon,

On motion of Mr. Vance and Mr. Hart,

The said report was again read, considered, and the resolution attached thereto adopted. And a warrant was accordingly so drawn.

The bill entitled, "*An act to raise by way of lottery, a sum of money not exceeding two thousand five hundred dollars for finishing a church in the town of Hanover, in the county of York,*" was read the third time.

Whereupon,

The Yeas and Nays on the passage of said bill, were required by Mr. Vance and Mr. Miller; and, on the question, "*Shall this bill pass?*" being put, the Members voted as follow, *to wit*:

#### YEAS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Hart,
7. Mr. Hiester,
8. Mr. Laird,
9. Mr. Lattimore,

#### YEAS.

10. Mr. Mayer,
11. Mr. M'Arthur,
12. Mr. Miller,
13. Mr. Rahm,
14. Mr. Slaymaker,
15. Mr. Sommer,
16. Mr. Wayne,
17. Mr. Lane, *Speaker*.

#### NAYS.

1. Mr. Heston,
2. Mr. Martin,
3. Mr. Pennell,

#### NAYS.

4. Mr. Rankin,
5. Mr. Roberts,
6. Mr. Vance.

Seventeen Yeas and six Nays; by which it appeared, that the question was determined in the affirmative.

Ordered, That said bill be returned to the House of Representatives, with information, that Senate have passed the same without amendment.

The Secretary of the Commonwealth presented a message from the Governor; which was read as follows, *to wit:*

*“To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

“GENTLEMEN,

“THE Secretary will lay before the House of Representatives, two several reports, with the accompanying drafts made to me by the commissioners appointed under an act entitled, “An act for exploring and making a road from the point where the Coshecton and Great-Bend turnpike passes through Moosic mountain, in a western direction, to the west line of the state.” I request, that, when the two Houses shall have done with them, the drafts and reports may be returned to the Secretary’s office.

“THOMAS M’KEAN.

“*Lancaster, February 11, 1808.*”

The bill entitled, “*An act to enable the Governor of this Commonwealth to incorporate a company for the purpose of making an artificial road, from the Philadelphia and Lancaster turnpike road, near Randal Malin’s store, to Jones’ tavern in Berks county,*” was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. M’Arthur in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

The bill entitled, “*An act to enable commissioners to convey lots of ground in the town of Fanetsburg, in the county of Franklin,*” was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

On motion of Mr. Vance and Mr. Heston,

The following resolution was twice read, considered, and adopted, *to wit:*

Resolved, That the Speaker draw his warrant on the State-Treasurer, in favor of George Bryan, Clerk of the Senate, for five hundred dollars, to enable him to

defray the contingent expences thereof; he to be accountable therefor.

Whereupon,

A warrant was accordingly so drawn.

Adjourned till 11 o'clock, to-morrow morning.

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Friday, February 12, 1808.

The Speaker laid before the Senate a letter from the Secretary of the Commonwealth; which was read, as follows, *to wit*:

"Secretary's-Office, Lancaster, Feb. 12, 1808.

"SIR,

"AGREEABLY to the directions of an Act of the General Assembly entitled, "An act directing the mode of taking testimony in cases of complaint against justices of the peace," I have this day laid before the House of Representatives sundry depositions, cross-examinations, and interrogatories, taken in the case of Jacob Adams, esquire, one of the justices of the peace in and for the county of Adams, before William Gilliland, esquire, one of the associate judges of the said county; which were received last evening.

"I am, Sir, respectfully,

"Your obedient servant,

"T. M. THOMPSON, *Sec.*

"*The Hon. the Speaker of Senate.*"

Mr. M'Arthur presented the memorial of the citizens composing the sixteenth division of the militia of Pennsylvania, stating the defenceless situation of the western and northern frontiers of the state; that in case of a war between the United States and England, the people on those frontiers will be exposed to all the horrors and murderous warfare of a savage enemy; that the information of the memorialists lead them to believe, that in the neighborhood of Detroit a body of more than two thousand Indians are ready to commence their attacks, as soon as war may take place between the two countries. The memorialists then state, at considerable length, their opinion of the best mode of defence, and pray the

attention of the Legislature thereto. And the said memorial was twice read, and referred to the committee of the whole, when the bill respecting the defence of the northern and western frontiers shall be under the consideration of that committee.

Mr. Campbell presented the petition of John Cavanaugh; stating, That he served his country in various situations during the late revolutionary war; that he was wounded, by the effects of which, and advanced age, he is rendered unable to support himself; he therefore prays relief. And the said petition was twice read, and referred to Mr. Campbell, Mr. Miller, and Mr. Mitchell, to consider and report thereon.

Mr. Mayer presented the petition of the subscribers thereto, inhabitants of the borough of Lancaster; stating, That the powers under the act of incorporation are too vague and feeble to answer the objects thereof; they therefore pray, that a law may be passed, placing them upon a footing with other boroughs in this Commonwealth. And the said petition was twice read, and referred to Mr. Mayer, Mr. Slaymaker, and Mr. Blocher, to consider and report thereon.

Mr. Wayne, from the committee to whom was recommended, on the twenty-eighth of last month, the bill entitled, "*An act granting a tract of donation land to William M'Cormick,*" reported the said bill with one amendment; which was read as reported.

The bill entitled, "*An act to enable commissioners to convey lots of ground in the town of Fanetsburg, in the county of Franklin,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the same without amendment.

The Clerk of the House of Representatives returned the "resolution proposing an amendment in the Constitution of the United States, relative to the judiciary thereof;" and informed the Senate, that the House of Representatives had passed the same without amendment.

He also informed,

That the House of Representatives have concurred in the amendment by Senate to the bill entitled, "An act for establishing and building a bridge across the river Schuylkill, at or near the falls thereof."

The bill entitled, "*An act to authorize and empower Priscilla Dill, widow of Thomas Dill, deceased; William Wireman, senior, and William Wireman, junior, guardians of the minor children of Thomas Dill, and administrators of the estate of Caleb Dill, deceased; to sell and convey two several tracts of land in Manahan township, in the county of York,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. M'Arthur in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the said bill with amendments; which were read as reported.

The bill entitled, "*An act for the relief of Thomas Atkinson,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Pennell in the chair) for the further consideration thereof. And;

After some time,

The committee rose, reported progress, and had leave to sit again on Monday next.

Moved by Mr. Roberts and Mr. Hart,

Resolved, That the resolution for instructing the Senators, and requesting the Representatives from this State, in the Congress of the United States, to use their endeavors to procure an amendment to the Constitution of the United States, respecting the offices of the judges of the Federal Courts, and trials on impeachment, be signed by the Speaker of the Senate; and, that one copy thereof be transmitted by him to the Members of the Senate, and one copy to the Members of the House of Representatives from this State; in the Congress of the United States.

Ordered to lie upon the table.

A motion was then made by Mr. Roberts and Mr.

Pennell, to proceed to the second reading and further consideration of the said resolution.

Whereupon, after debate,

The Yeas and Nays on the question, "*Shall this resolution be read the second time?*" were required by Mr. Laird and Mr. Wayne; and, on the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Blocher,
2. Mr. Hart,
3. Mr. Hiester,
4. Mr. Laird,
5. Mr. Martin,
6. Mr. M'Arthur,

NAYS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Gress,
4. Mr. Harris,
5. Mr. Heston,
6. Mr. Lattimore,

YEAS.

7. Mr. Mitchell,
8. Mr. Pennell,
9. Mr. Rahm,
10. Mr. Rankin,
11. Mr. Roberts,
12. Mr. Lane, *Speaker*.

NAYS.

7. Mr. Mayer,
8. Mr. Miller,
9. Mr. Slaymaker,
10. Mr. Sommer,
11. Mr. Wayne.

Twelve Yeas and eleven Nays; by which it appeared, that the question was determined in the affirmative.

Thereupon,

The said resolution was read the second time; and, being under consideration:

After debate,

A motion was made by Mr. Harris and Mr. Sommer, to postpone the further consideration of the same for the present; which was not agreed to.

Whereupon,

The Yeas and Nays on adopting the said resolution, were required by Mr. Wayne and Mr. Heston; and, on the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Blocher,
2. Mr. Hart,
3. Mr. Hiester,
4. Mr. Laird,
5. Mr. Martin,
6. Mr. M'Arthur,

YEAS.

7. Mr. Mitchell,
8. Mr. Pennell,
9. Mr. Rahm,
10. Mr. Rankin,
11. Mr. Roberts,
12. Mr. Lane, *Speaker*

NAYS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Gress,
4. Mr. Harris,
5. Mr. Heston,
6. Mr. Lattimore,

NAYS.

7. Mr. Mayer,
8. Mr. Miller,
9. Mr. Slaymaker,
10. Mr. Sommer,
11. Mr. Wayne.

Twelve Yeas and eleven Nays; by which it appeared, that the question was determined in the affirmative, and the resolution adopted.

Adjourned till 11 o'clock, to-morrow morning.

~~~~~  
*Saturday, February 13, 1808.*

Mr. Brady presented the petition of John Brandon, Dolly Walthour, and Martin Ashbaugh, administrators of all and singular the goods and chattels, rights and credits, which were of Christopher Walthour, junior, deceased; and of John Brandon, Casper Walthour, and James Irwin, a committee appointed to take care of the person and estate of Catharine Walthour, a lunatic; stating, That Christopher Walthour, senior, of Westmoreland county, lately died intestate, leaving lawful issue, six children; and, that certain difficulties have occurred in the settlement of the said estate, in consequence of the death of one of the children, *to wit*: the said Christopher Walthour, junior; and another, *to wit*: Catharine, becoming a lunatic: the petitioners therefore pray, that an act may be passed, authorizing them to supply certain defects in the titles arising out of the said estate, in consequence of the circumstances before mentioned. And the said petition was twice read, and referred to Mr. Brady, Mr. Miller, and Mr. Campbell, to consider and report thereon, by bill or otherwise.

On leave given, Mr. Wayne withdrew the petitions, presented by him on the twenty-fifth and twenty-ninth of January, respecting the contemplated turnpike road, from the Philadelphia and Lancaster turnpike to the road from Reading-town towards Philadelphia.

Mr. Mayer, from the committee to whom was yes-

terday referred the petition of the subscribers thereto, inhabitants of the borough of Lancaster; on leave now given, reported the bill entitled, "*An act to alter an act to re-establish the ancient corporation of the burgesses and inhabitants of the borough of Lancaster, in the county of Lancaster;*" which was read the first time.

Mr. Pennell, from the committee to whom was referred, on the nineteenth of last month, the bill entitled, "*An act granting a tract of donation land to John Morris,*" reported the said bill with one amendment; which was read as reported.

The bill entitled, "*An act to authorize and empower Priscilla Dill, widow of Thomas Dill, deceased; William Wireman, senior, and William Wireman, junior, guardians of the minor children of Thomas Dill; and administrators of the estate of Caleb Dill, deceased; to sell and convey one-fourth part of two several tracts of land in Manahan township, in the county of York,*" was read the second time, as reported by committee of the whole yesterday, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "*An act granting a tract of donation land to William M'Cormick,*" was read the second time, as reported by select committee yesterday, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "*An act to enable the elders, wardens and members of the Lutheran and Presbyterian congregations in Robinson township, Berks county, to raise by way of lottery, a sum of money for the purpose of building a meeting-house and school-house in the said township,*" was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

Moved by Mr. Roberts and Mr. Hart,

Resolved, That the resolution instructing the Senators, and requesting the Representatives from this State, in the Congress of the United States, to endeavor to procure an amendment to the Constitution of the United States, to prevent the importation of slaves into the said states or territories thereof, be signed by the Speaker of the Senate; and, that one copy thereof be



by him transmitted to the Senators from this State, and one copy to the Representatives therefrom, in the Congress of the United States.

Ordered to lie upon the table.

A motion was then made by Mr. Mitchell and Mr. Pennell, that the said resolution be again read; which was agreed to.

Whereupon,

The said resolution was read the second time, considered, and adopted.

On leave given, Mr. M'Arthur read a bill in his place; and, by permission, presented the same to the chair, entitled, "*A supplement to the act entitled, 'An act for raising by way of lottery the sum of six thousand dollars, for defraying the expences of making an aqueduct to conduct water into the town of Meadville;'*" which was read the first time.

The Clerk of the House of Representatives presented for concurrence, two bills, entitled as follow, *to wit*:

1. "An act to validate and confirm the proceedings of certain justices of the peace, in the county of Adams, in cases therein mentioned."

2. "An act to enable certain persons therein named, to sell and convey a messuage and lot of ground, devised by the late John Keble to the corporation of St. Paul's church, in the city of Philadelphia, for the use of aged widows, communicants of the said church."

And he presented for signature,

The bill entitled, "An act to raise by way of lottery, a sum of money for the purpose of building a meeting-house in the borough of Chambersburg, Franklin county."

Whereupon,

The Speaker signed the same.

The bills presented for concurrence, were severally read the first time.

The report of the committee to whom was referred the seventh item of the report of the committee on the Governor's address, respecting general regulations as to election districts, fisheries, water-courses, &c. read on the first instant, was again read, considered, and the resolution attached thereto adopted, *to wit*:

Resolved, That it is inexpedient for the Legislature

to transfer the power of regulating election districts, mill-dams, fisheries, or water-courses.

The report of the committee of the whole, (negating the first section) on the bill entitled, "*An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house in Shippensburg, in the county of Cumberland,*" read on the eighth instant, was again read.

Whereupon,

The Yeas and Nays on adopting the said report, were required by Mr. Roberts and Mr. Pennell; and, on the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Campbell,
2. Mr. Harris,
3. Mr. Heston,
4. Mr. Martin,

NAYS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Gress,
4. Mr. Hart,
5. Mr. Hiester,
6. Mr. Laird,
7. Mr. Mayer,

YEAS.

5. Mr. Miller,
6. Mr. Mitchell,
7. Mr. Pennell,
8. Mr. Roberts.

NAYS.

8. Mr. M'Arthur,
9. Mr. Rahm,
10. Mr. Slaymaker,
11. Mr. Sommer,
12. Mr. Vance,
13. Mr. Wayne,
14. Mr. Lane, *Speaker.*

Eight Yeas and fourteen Nays; by which it appeared, that the question was determined in the negative.

Thereupon,

Section I. recurring:

The question on agreeing thereto being put, was determined in the affirmative.

The remaining sections, with the title, being agreed to:

Ordered, That the said bill be prepared for the third reading.

The amendments by the House of Representatives on the bill entitled, "*An act for the relief of the inhabitants of the village of Palmyra, in the township of Londonderry, Dauphin county,*" read on the tenth instant, were again read, considered, and concurred in.

Ordered, That the Clerk acquaint the House of Representatives thereof.

On motion of Mr. Laird and Mr. Mitchell,

The Senate resumed the consideration of the report of the committee on the subject of "*Graydon's Justice*," postponed for the present on the eighth instant.

And the resolution attached thereto, being under consideration, *to wit*:

Resolved, That the Secretary of the Commonwealth be, and is hereby required to purchase from William Graydon, esquire,        copies of "*Graydon's Justice*," (provided he can obtain them for two dollars and fifty cents per copy) and have them deposited in his office, to be distributed amongst the justices of the peace, in such manner as the Legislature may direct.

A motion was made by Mr. Wayne and Mr. Laird, to postpone the said resolution for the purpose of inserting one, which Mr. Wayne read in his place; which was agreed to.

Whereupon,

The substitute was read, as follows, *to wit*:

Resolved, by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the Secretary of the Commonwealth be, and he is hereby directed to purchase from William Graydon, esquire,        copies of "*Graydon's Justice*," (provided he can obtain them for two dollars and fifty cents per copy) and have them deposited in his office, to be distributed amongst the justices of the peace, in such manner and under such conditions as the Legislature may hereafter direct.

And, being under consideration:

After debate,

A motion was made by Mr. Vance and Mr. M<sup>r</sup>Arthur, to postpone the further consideration thereof for the present; which was agreed to.

Mr. Miller, from the committee appointed for that purpose, made report, That the committee, in conjunction with the committee of the House of Representatives, this day presented to the Governor, for his approbation, the bills, and resolution, entitled as follow, *to wit*:

1. "An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house, for

the use of the joint Lutheran and Reformed congregations, at the Union church in Whitehall township, in the county of Northampton, and to defray the expences of said church."

2. "An act to declare masquerades and masqued balls to be common nuisances, and to punish those who promote or encourage them."

3. "An act to raise by way of lottery, a sum not exceeding four thousand dollars, for purchasing a lot or lots of ground, building a school-house and house of religious worship thereon, in the borough of Bedford."

4. "An act to raise by way of lottery, a sum of money for the purpose of finishing the meeting-house in Wilkesbarre, and for protecting the bank of the river, opposite the borough, from the encroachments of the river."

5. "An act to allow further time for completing the Frankford and Bristol turnpike road, and erecting a bridge over Neshamany creek."

6. "An act for the relief of Nathaniel Coulter."

7. "An act to raise by way of lottery, a sum not exceeding two thousand dollars, for building a house of religious worship in Limerick township, Montgomery county."

8. "An act for the relief of Dillaplain Ridgway."

9. "An act granting Joseph Gwyne the depreciation of his pay as a soldier."

10. "An act to enable Joseph Marshall and William Marshall to sell and convey the real estate of Andrew Marshall, late of Hamilton township, Franklin county, deceased."

11. "A resolution directing the Master of Rolls to furnish copies of the laws to the Secretary of the Commonwealth."

Adjourned till 11 o'clock, Monday morning.

~~~~~  
Monday, February 15, 1808.

Mr. Martin, from the committee to whom was referred on the ninth instant, the petition of Andrew

Crookshank, on leave now given, reported the bill entitled, "*An act for the relief of Andrew Crookshank;*" which was read the first time.

The bill entitled, "*An act to authorize and empower Priscilla Dill, widow of Thomas Dill, deceased; William Wireman, senior, and William Wireman, junior, guardians of the minor children of Thomas Dill; and administrators of the estate of Caleb Dill, deceased; to sell and convey one-fourth part of two several tracts of land in Munahan township, in the county of York;*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The Clerk of the House of Representatives presented for concurrence, the bill entitled, "*An act authorizing the sale of real estate, late the property of Adam Imbody, of Berks county, deceased;*" which was read the first time.

The bill entitled, "*An act to enable the elders, wardens and members of the Lutheran and Presbyterian congregations in Robinson township, Berks county, to raise by way of lottery, a sum of money for the purpose of building a meeting-house and school-house in the said township;*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The Secretary of the Commonwealth presented a message from the Governor; which was read as follows, to wit:

"*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

"GENTLEMEN,

"I HAVE this day approved and signed the following Acts and Resolution of the General Assembly, and directed the Secretary to return the

same to the House of Representatives, in which they originated.

1. "An act for the relief of Nathaniel Coulter."

2. "An act to allow further time for completing the Frankford and Bristol turnpike road, and erecting a bridge over Neshamany creek."

3. "An act to raise by way of lottery, a sum not exceeding two thousand dollars, for building a house of religious worship in Limerick township, Montgomery county."

4. "An act for the relief of Dillaplain Ridgway."

5. "An act to raise by way of lottery, a sum of money for the purpose of finishing the meeting-house in Wilkesbarre, and for protecting the bank of the river, opposite the borough, from the encroachments of the river."

6. "An act to enable Joseph Marshall and William Marshall to sell and convey the real estate of Andrew Marshall, late of Hamilton township, Franklin county, deceased."

7. "An act to declare masquerades and masqued balls to be common nuisances, and to punish those who promote or encourage them."

8. "An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house, for the use of the joint Lutheran and Reformed congregations, at the Union church in Whitehall township, in the county of Northampton, and to defray the expences of said church."

9. "An act granting Joseph Gwyne the depreciation of his pay as a soldier."

10. "An act to raise by way of lottery, a sum not exceeding four thousand dollars, for purchasing a lot or lots of ground, building a school-house and house of religious worship thereon, in the borough of Bedford."

11. "A resolution enjoining a certain duty on the Master of Rolls."

"THOMAS M'KEAN.

"Lancaster, February 15, 1808."

The bill entitled, "*An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house in the county of Cumberland,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "*An act granting a tract of donation land to William M'Cormick,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill with one amendment, in which the concurrence of that House is requested; which amendment is, that the Land-Officers shall insert a clause in the patent to be issued to William M'Cormick, to render the land inalienable during his life-time.

The bill entitled, "*An act granting a tract of donation land to John Morris,*" was read the second time, as reported by select committee, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

Agreeably to order, the Senate resumed in committee of the whole, (Mr. Hart in the chair) the consideration of the bill entitled, "*An act to enable the Governor to incorporate a company to make an artificial road, by the best and nearest route, from the town of Hanover, in the county of York, to the Maryland line, at or near the place the turnpike from Baltimore to the state line, towards Hanover, will strike the same.*" And,

After some time,

The committee rose, and reported the bill with one amendment; which was read as reported.

On motion of Mr. Wayne and Mr. Sommer,

The committee of the whole was discharged from the further consideration of the bill entitled, "*An act for the relief of Thomas Atkinson.*"

Whereupon,

On motion of Mr. Wayne and Mr. Pennell,

The said bill was considered by section.

The first and only section being under consideration :

After debate,

The Yeas and Nays on agreeing thereto, were required by Mr. M'Arthur and Mr. Hiester; and, on the question being put, the Members voted as follow, *to wit* :

YEAS.

1. Mr. M'Arthur,

NAYS.

1. Mr. Blocher,

2. Mr. Brady,

3. Mr. Campbell,

4. Mr. Gress,

5. Mr. Harris,

6. Mr. Hart,

7. Mr. Heston,

8. Mr. Hiester,

9. Mr. Laird,

YEAS.

2. Mr. Rahm.

NAYS.

10. Mr. Martin,

11. Mr. Mayer,

12. Mr. Miller,

13. Mr. Pennell,

14. Mr. Roberts,

15. Mr. Sommer,

16. Mr. Vance,

17. Mr. Wayne,

18. Mr. Lane, *Speaker*.

Two Yeas and eighteen Nays; by which it appeared, that the question was determined in the negative.

And so the bill was lost.

Adjourned till 11 o'clock, to-morrow morning.

Tuesday, February 16, 1808.

Mr. Wayne, from the committee to whom was re-committed on the third instant, the bill entitled, "*An act to restrain the evil practice of horse-racing,*" reported the bill with amendments; which were read as reported.

Mr. Harris, from the committee to whom was referred on the tenth instant, the petition of the subscribers thereto, inhabitants of the counties of Lycoming and Centre, made the following report, *to wit* :

That they have given the subject due consideration; and viewing the importance of this road as a medium through which an intercourse between the eastern and western parts of the state is kept up; the infant state of the settlements in those parts; and, consequently, the inability of the inhabitants to accomplish this object, without pecuniary aid; they are induced to offer the following resolution :

Resolved, That a committee be appointed to bring in

a bill, granting dollars, to be applied in building a bridge over Bald-Eagle creek, where the post-road from Williamsport, in Lycoming county, to Alexandria, crosses the same.

The bill entitled, "*An act granting a tract of donation land to John Morris,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the same with one amendment, in which the concurrence of that House is requested.

The amendment is, that a clause be inserted in the patent to render the said land inalienable during the lifetime of the said John Morris.

The bill entitled, "*An act to enable the Governor to incorporate a company, to make an artificial road, by the best and nearest route, from the town of Hanover, in the county of York, to the Maryland line, at or near the place the turnpike from Baltimore to the state line, towards Hanover, will strike the same,*" was read the second time, as reported by committee of the whole yesterday, and considered by section.

Sections I. and II. were severally adopted.

Section III. being under consideration:

A motion was made by Mr. Roberts and Mr. Hart, to amend the section, by inserting a provision, declaring, that persons voting by proxy shall authorize their agent, "*by power of attorney lawfully executed,*" only.

On which motion,

Mr. Roberts and Mr. Wayne required the Yeas and Nays; and, on the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Hart,
2. Mr. Hiester,
3. Mr. Martin,
4. Mr. M'Arthur,

NAYS.

1. Mr. Blocher,
2. Mr. Brady,

YEAS.

5. Mr. Pennell,
6. Mr. Roberts,
7. Mr. Vance,
8. Mr. Lane, *Speaker*.

NAYS.

3. Mr. Campbell,
4. Mr. Gress,

NAYS.

5. Mr. Harris,
6. Mr. Heston,
7. Mr. Laird,
8. Mr. Mayer,

NAYS.

9. Mr. Miller,
10. Mr. Rahm,
11. Mr. Sommer,
12. Mr. Wayne.

Eight Yeas and twelve Nays; by which it appeared, that the question was determined in the negative.

A motion was then made by Mr. Roberts and Mr. Rahm, to amend the section by inserting the following at the end thereof:

“Provided, That said company, nor any person or persons in their employ, shall be allowed to enter upon or go through any land or lands, belonging to any person or persons lying on, or contiguous to the track of said road, for the purpose of obtaining materials for the construction thereof, without first obtaining permission of the owner or owners thereof so to do.”

On which motion,

Mr. Vance and Mr. Hiester called the Yeas and Nays; and, on the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Hart,
2. Mr. Hiester,
3. Mr. Martin,
4. Mr. M'Arthur,
5. Mr. Pennell,

YEAS.

6. Mr. Rahm,
7. Mr. Roberts,
8. Mr. Vance,
9. Mr. Lane, *Speaker*.

NAYS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Heston,

NAYS.

7. Mr. Laird,
8. Mr. Mayer,
9. Mr. Miller,
10. Mr. Sommer,
11. Mr. Wayne,

Nine Yeas and eleven Nays; by which it appeared, that the question was determined in the negative.

Whereupon,

The question on adopting the section being put, was determined in the affirmative.

The title of the bill having been agreed to:

Ordered, That it be prepared for the third reading.

The bill entitled, “*An act to raise by way of lottery, a*

sum of money to defray the expences incurred by the trustees of the German Presbyterian and German Lutheran congregations in the borough of Carlisle and its vicinity, in the county of Cumberland," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Pennell in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

The bill entitled, "*A further supplement to the act entitled, "An act to provide for the erection of a house for the employment and support of the poor in the county of Dauphin,"*" was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "*An act to validate and confirm the proceedings of certain justices of the peace in the county of Adams, in cases therein mentioned,"*" was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

Mr. Laird asked and obtained leave of absence for Mr. Lattimore, and Mr. Rankin, for a few days.

The resolution relative to the library of the General Assembly, as reported by committee of the whole on the twenty-fifth of last month, was read the second time.

Whereupon,

A motion was made by Mr. Wayne and Mr. Pennell, to postpone the further consideration of the said resolution, and recommend it to the attention of the Senate at their next session; which was agreed to.

Adjourned till 11 o'clock, to-morrow morning.

~~~~~  
*Wednesday, February 17, 1808.*

Mr. Brady presented the petition of Archibald McGuire, late second lieutenant, appointed by General John Armstrong; stating, That he served in the revo-

lutionary war in that capacity, in an independent corps; that he did not receive the depreciation of his pay, nor donation land; he therefore prays, that such provision may be made as will place him on a footing with those similarly situated, and who have been allowed both depreciation and donation land. And the said petition was twice read, and referred to Mr. Brady, Mr. Miller, and Mr. Campbell, to consider and report thereon.

Mr. Campbell, from the committee to whom was referred on the twenty-ninth of last month, the memorial of John Morris, doctor of medicine, residing in the borough of York; on leave now given, reported the bill entitled, "*An act for the relief of John Morris;*" which was read the first time.

The bill entitled, "*An act to enable the Governor to incorporate a company to make an artificial road, by the best and nearest route, from the town of Hanover, in the county of York, to the Maryland line, at or near the place where the turnpike from Baltimore to the state line towards Hanover, will strike the same;*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill with one (verbal) amendment, in which the concurrence of that House is requested.

The bill entitled, "*An act to validate and confirm the proceedings of certain justices of the peace in the county of Adams, in cases therein mentioned;*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "*A further supplement to the act entitled, 'An act to provide for the erection of a house for the employment and support of the poor in the county of Dauphin,'*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the same without amendment.

The bill entitled, "*An act to raise by way of lottery, a sum of money to defray the expences incurred by the trustees of the German Presbyterian and German Lutheran congregations in the borough of Carlisle and its vicinity, in the county of Cumberland,*" was read the second time as reported by committee of the whole yesterday, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "*An act to enable the Governor of this Commonwealth to incorporate a company for the purpose of making an artificial road, from the Philadelphia and Lancaster turnpike road near Randal Malin's store, to Jones' tavern in Berks county,*" was read the second time as reported by committee of the whole on the eleventh instant, and considered by section.

Section I. being under consideration :

A motion was made by Mr. Roberts and Mr. Vance, to amend the section, by inserting a provision, obliging every person who should subscribe in the name of another person, "*to produce a power of attorney duly executed;*" which was not agreed to.

The section was adopted.

Section II. was also agreed to.

Section III. being under consideration :

A motion was made by Mr. Roberts and Mr. Hart, to amend the section, by inserting a provision of similar purport with the foregoing, as it respects the right of voting ; which was not agreed to.

The section was adopted.

Sections IV. V. VI. VII. were severally adopted.

Section VIII. being under consideration :

A motion was made by Mr. Roberts and Mr. M'Arthur, to amend the section, by inserting a provision "*obliging the company to obtain the consent of the owner of any land through which the said turnpike may*

pass, before they enter the same for the purpose of opening the road;" which was not agreed to.

The section was adopted.

Sections IX. to XV. inclusive, were severally agreed to.

Section XVI. being under consideration :

A motion was made by Mr. Roberts and Mr Hiester, to amend the section, by striking out that part which permits the company to raise the toll, if at the end of two years the clear yearly profits shall not amount to six per cent. per annum ; which was not agreed to.

The section was adopted.

The remaining sections, with the title, being agreed to :

Ordered, That the said bill be prepared for the third reading.

The bill entitled, "*An act repealing the first section of the act entitled, "An act supplementary to an act entitled, "An act that no public house or inn within this province be kept without licence,"*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Brady in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with amendments ; which were read as reported.

The bill entitled, "*An act for the relief of Samuel Ashton,*" was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

Adjourned till 11 o'clock, to-morrow morning.



*Thursday, February 18, 1808.*

The bill entitled, "*An act to raise by way of lottery, a sum of money to defray the expences incurred by the trustees of the German Presbyterian and German Lutheran congregations in the borough of Carlisle and its vicinity, in the county of Cumberland,*" was read the third time.

Whereupon,

The Yeas and Nays on the passage of said bill, were required by Mr. Vance and Mr. Roberts; and, on the question, "*Shall this bill pass?*" being put, the Members voted as follow, *to wit*:

## YEAS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Hiester,
7. Mr. Laird,

## NAYS.

1. Mr. Hart,
2. Mr. Heston,
3. Mr. Martin,
4. Mr. M'Arthur,

## YEAS.

8. Mr. Mayer,
9. Mr. Miller,
10. Mr. Rahm,
11. Mr. Slaymaker,
12. Mr. Sommer,
13. Mr. Wayne,
14. Mr. Lane, *Speaker*.

## NAYS.

5. Mr. Mitchell,
6. Mr. Pennell,
7. Mr. Roberts,
8. Mr. Vance.

Fourteen Yeas and eight Nays; by which it appeared, that the question was determined in the affirmative.

Ordered, That the said bill be returned to the House of Representatives, with information, that Senate have passed the same without amendment.

The bill entitled, "*An act for the relief of Samuel Ashton,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "*An act making provision for the defence of the northern and western frontiers of this state,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Hart in the chair) for the further consideration thereof. And,

After some time,

The committee rose, reported progress, and had leave to sit again on Saturday the twentieth instant.

The Clerk of the House of Representatives presented

for concurrence, the bill entitled, "An act to afford immediate relief to James Waters, a soldier during the revolutionary war, and to grant him an annuity."

And for signature, the bills entitled as follow, *to wit* :

1. "An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house in Shippensburg, in the county of Cumberland."

2. "An act for establishing and building a bridge across the river Schuylkill, at or near the falls thereof."

3. "An act to enable commissioners to convey lots of ground in the town of Fanetsburg, in the county of Franklin."

And he informed, That the House of Representatives have concurred in the amendments by Senate to the bill entitled, "*An act granting a tract of donation land to William M'Cormick.*"

The bill presented for concurrence, was read the first time.

The Speaker signed the bills presented for signature.

The bill entitled, "*An act to provide for the education of children under a certain age,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Pennell in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

The bill entitled, "*An act to prevent the Clerks in the Land-Offices, from acting as agents for persons having business in those offices,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Miller in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

The bill entitled, "*An act to restrain the evil practice of horse-racing,*" was read the second time as reported by select committee on the sixteenth instant, considered by section, and agreed to.



The title having been amended so as to read, "*An act more effectually to restrain the evil practice of horse-racing,*" and agreed to :

Ordered, That the said bill be prepared for the third reading.

Adjourned till 11 o'clock, to-morrow morning.

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## Friday, February 19, 1808.

Mr. Slaymaker, from the committee to whom was referred on the twenty-eighth of last month, the petition of Jacob Mayer, on leave now given, reported the bill entitled, "*An act to dissolve the marriage of Jacob Mayer and Catharine his wife;*" which was read the first time.

Mr. Rahm, from the committee to whom was referred on the first of last month, the petitions of Wendel Fortney, Emanuel Bollinger, Valentine Weirich, and John Burnheatter ; on leave now given, reported the bill entitled, "*An act for the relief of Emanuel Bollinger and Valentine Weirich ;*" which was read the first time.

The bill entitled, "*An act to enable the Governor of this Commonwealth to incorporate a company for the purpose of making an artificial road, from the Philadelphia and Lancaster turnpike road near Randal Malin's store, to Jones' tavern, in Berks county,*" was read the third time.

Whereupon,

The Yeas and Nays on the passage of the said bill, were required by Mr. Vance and Mr. Wayne ; and, on the question, "*Shall this bill pass?*" being put, the Members voted as follow, *to wit :*

### YEAS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Hart,
7. Mr. Heston,
8. Mr. Laird,

### YEAS.

9. Mr. Mayer,
10. Mr. Miller,
11. Mr. Mitchell,
12. Mr. Rahm,
13. Mr. Slaymaker,
14. Mr. Wayne,
15. Mr. Lane, *Speaker.*

## NAYS.

1. Mr. Hiester,
2. Mr. Martin,
3. Mr. M'Arthur,

## NAYS.

4. Mr. Pennell,
5. Mr. Roberts,
6. Mr. Vance.

Fifteen Yeas and six Nays; by which it appeared, that the question was determined in the affirmative.

Ordered, That the said bill be presented to the House of Representatives for concurrence.

The bill entitled, "*An act to provide for the education of children under a certain age,*" was read the second time as reported by committee of the whole, and considered by section.

Section I. being under consideration :

A motion was made by Mr. Wayne and Mr. Hart, to amend the section, by inserting a provision "for procuring the approbation of the assistant-assessors to the list of children whose parents are unable to pay for their schooling, before the commissioners proceed to levy a tax therefor;" which was agreed to.

A motion was then made by Mr. Roberts and Mr. Hart, further to amend the section, by adding to the end thereof the following: "Provided, that no child shall be taught at the public expence for a longer time than four years, in consequence of this act;" which was agreed to.

The section as amended was adopted.

The remaining sections, with the title, having been agreed to :

Ordered, That the said bill be prepared for the third reading.

The bill entitled, "*An act to prevent the Clerks in the Land-Offices from acting as agents to any person or persons in transacting business in those offices,*" was read the second time as reported by committee of the whole yesterday, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "*An act to enable certain persons therein named, to sell and convey a messuage and lot of ground devised by the late John Keble to the corporation of St. Paul's church, in the city of Philadelphia, for the use of aged widows, communicants of said church,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Wayne in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with one amendment; which was read as reported.

The bill entitled, "*An act to afford immediate relief to James Waters, a soldier during the revolutionary war, and to grant him an annuity,*" was read the second time, and referred to Mr. Wayne, Mr. Roberts, and Mr. Hart, to consider and report thereon.

The bill entitled, "*An act granting Andrew Crookshank the depreciation of his pay as a sergeant, in the late revolutionary war,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Laird in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

The bill entitled, "*An act for the relief of John Ashton,*" was read the second time as reported by select committee the third instant, to whom it had been re-committed.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. M'Arthur in the chair) for the further consideration thereof. And,

After some time,

The committee rose, reported progress, and had leave to sit again on Monday next.

The Clerk of the House of Representatives presented for concurrence, three bills, entitled as follow, *to wit*:

1. "An act to change the name of Christian Febiger Carson, to Christian Carson Febiger."

2. "An act declaring Big Mahoning creek, in Armstrong and Indiana counties, a public highway."

3. "An act enjoining certain duties upon the Treasurer of this Commonwealth."

And he presented for signature, the bills entitled as follow, *to wit*:

1. "An act to raise by way of lottery a sum not exceeding two thousand five hundred dollars, for finishing a church in the town of Hanover, in the county of York."

2. "An act to enable the elders, wardens, and members of the Lutheran and Presbyterian congregations in Robinson township, Berks county, to raise by way of lottery a sum of money, for the purpose of building a meeting-house and school-house in the said township."

And informed, That the House of Representatives had concurred in the amendments by Senate to the bills entitled as follow :

1. "An act granting a tract of donation land to John Morris."

2. "An act to enable the Governor to incorporate a company to make an artificial road, by the best and nearest route, from the town of Hanover, in the county of York, to the Maryland line, at or near the place the turnpike from Baltimore to the state line towards Hanover, will strike the same."

The bills presented for concurrence, were severally read the first time.

The Speaker signed the bills presented for signature.

On motion of Mr. Wayne and Mr. Pennell,

The bill entitled, "An act to change the name of Christian Febiger Carson, to Christian Carson Febiger," was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

Whereupon,

On motion of Mr. Wayne and Mr. Pennell, and by unanimous consent, the said bill was read the third time.

Thereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, That Senate have passed the said bill without amendment.

On motion of Mr. Hart and Mr. Brady,

The Senate resumed the consideration of the thirteenth item of the report of unfinished business, postponed for the present on the seventh of December last, *to wit* :

The bill entitled, "*An act allowing the Philadelphia bank to establish branches.*"

Whereupon,

The said item was referred to Mr. Hart, Mr. Pennell, and Mr. Roberts, to consider and report thereon.

Adjourned till 11 o'clock, to-morrow morning.

## Saturday, February 20, 1808.

Mr. Rahm, from the committee to whom was referred on the ninth instant, the petition of the inhabitants of Myerstown, in the county of Dauphin, on leave now given, reported the bill entitled, "*An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house in Myerstown, in the county of Dauphin;*" which was read the first time.

The bill entitled, "*An act to provide for the education of children under a certain age,*" was read the third time.

Whereupon,

On the question, "*Shall this bill pass?*" being put, a motion was made by Mr. Heston and Mr. Laird, to postpone the further consideration of that question for the present.

On which motion,

The Yeas and Nays were required by Mr. Laird and Mr. Heston; and, on the question of postponement being put, the Members voted as follow, *to wit:*

### YEAS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Heston,
4. Mr. Laird,
5. Mr. Martin,
6. Mr. M'Arthur,

### NAYS.

1. Mr. Blocher,
2. Mr. Dorsey,
3. Mr. Gress,
4. Mr. Harris,
5. Mr. Hart,

### YEAS.

7. Mr. Miller,
8. Mr. Mitchell,
9. Mr. Pennell,
10. Mr. Rahm,
11. Mr. Vance,
12. Mr. Lane, *Speaker.*

### NAYS.

6. Mr. Hiester,
7. Mr. Mayer,
8. Mr. Roberts,
9. Mr. Slaymaker,
10. Mr. Wayne.

Twelve Yeas and ten Nays; by which it appeared, that the question was determined in the affirmative.

The bill entitled, "*An act to prevent the Clerks in the Land-Offices, from acting as agents to any person or persons in transacting business in those offices,*" was read the third time.

Whereupon,

The Yeas and Nays on the passage of the said bill, were required by Mr. Heston and Mr. Hart; and, on the question, "*Shall this bill pass?*" being put, the Members voted as follow, *to wit*:

#### YEAS.

1. Mr. Blocher,
2. Mr. Dorsey,
3. Mr. Hart,
4. Mr. Hiester,
5. Mr. Laird,
6. Mr. Martin,
7. Mr. M'Arthur,

#### NAYS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Gress,
4. Mr. Harris,
5. Mr. Heston,

#### YEAS.

8. Mr. Mitchell,
9. Mr. Pennell,
10. Mr. Rahm,
11. Mr. Roberts,
12. Mr. Vance,
13. Mr. Lane, *Speaker.*

#### NAYS.

6. Mr. Mayer,
7. Mr. Miller,
8. Mr. Slaymaker,
9. Mr. Wayne.

Thirteen Yeas and nine Nays; by which it appeared, that the question was determined in the affirmative.

Ordered, That the said bill be presented to the House of Representatives for concurrence.

The bill entitled, "*An act more effectually to restrain the evil practice of horse-racing,*" was read the third time. Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The Secretary of the Commonwealth presented a message from the Governor; which was read as follows, *to wit*:

"*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

"GENTLEMEN,

"Agreeably to a request of his Excellency George Truitt, esquire, Governor of the State of

Delaware, I submit to the respective Houses, copies of a resolution of the General Assembly of that state, on the subject of a proposed amendment to the Constitution of the United States, relative to the tenure of the office of the Judges of the Courts of the United States, together with a copy of the Governor's letter.

“THOMAS M'KEAN.

“*Lancaster, February 20, 1808.*”

The documents accompanying the message were severally read, as follow, *to wit*:

[CIRCULAR.]

*DOVER, February 15, 1808.*

SIR,

I have the honor to transmit you herewith, a resolution of the General Assembly of the State of Delaware, disapproving the amendment proposed by the General Assembly of the State of Vermont to the Constitution of the United States, so as “to empower the President of the United States to remove from office any of the Judges of the Courts of the United States, upon address to him made for that purpose, by a majority of the House of Representatives and two-thirds of the Senate, in Congress assembled;” and, in obedience to the said resolution, to request you to oppose the proposed amendment.

I am, very respectfully,

Your obedient servant,

GEORGE TRUITT.

*His Excellency the Governor of the }  
Commonwealth of Pennsylvania. }*

—  
“*In the House of Representatives,*

“*January 26, 1808.*

“Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the alteration proposed to the Constitution of the United States, by a resolution of the General Assembly of the State of Vermont, on the sixth day of November, one thousand eight hundred and seven, so as “to empower the President of the United States to remove from office any of the Judges of the Courts of the United States, upon address to him made for that

purpose, by a majority of the House of Representatives and two-thirds of the Senate, in Congress assembled ;” be, and the same is hereby disapproved by the Legislature of this State : and, that the Senators and Representative in the Congress of the United States, from this State, be, and they are hereby requested to oppose the said alteration ; and the Governor of this State is hereby requested to transmit to each Senator and the Representative in Congress from this State, and to the Executive of each State, a copy of this resolution, that the same may be laid before the Legislatures of the several States, with a request to oppose the said alteration.

“ Extract from the Journal.

“ JOHN FISHER, *C. H. R.*

“ Sent for concurrence.

“ IN THE SENATE,

“ *February 2, 1808.*

“ Read and concurred in.

“ G. W. SYKES, *C. S.*

“ A true copy.

“ *Attest.* THOMAS CLAYTON, *Sec.*”

The Clerk of the House of Representatives presented for signature, the bills entitled as follow, *to wit* :

1. “ An act granting a tract of donation land to William M'Cormick.”

2. “ An act to enable the Governor to incorporate a company to make an artificial road, by the best and nearest route, from the town of Hanover, in the county of York, to the Maryland line, at or near the place the turnpike from Baltimore to the state line towards Hanover, will strike the same.”

3. “ A further supplement to an act entitled, “ An act to provide for the erection of a house for the employment and support of the poor in the county of Dauphin.”

4. “ An act granting a tract of donation land to John Morris.”

5. “ An act to validate and confirm the proceedings of certain justices of the peace in the county of Adams, in cases therein mentioned.”

6. “ An act for the relief of the inhabitants of the vil-



lage of Palmyra, in the township of Londonderry, Dauphin county."

And he returned,

The bill entitled, "An act to enable Priscilla Dill, widow of Thomas Dill, deceased; William Wireman, senior, and William Wireman, junior, guardians of the minor children of Thomas Dill, and administrators of the estate of Caleb Dill, deceased, to sell and convey one-fourth part of two several tracts of land in Monahan township, in the county of York."

And informed, That the House of Representatives have passed the same without amendment.

The Speaker signed the bills presented for signature.

Mr. Wayne asked, and obtained leave of absence for Mr. Sommer, for a few days.

The bill entitled, "*An act to enable certain persons therein named, to sell and convey a messuage and lot of ground devised by the late John Keble to the corporation of St. Paul's church, in the city of Philadelphia, for the use of aged widows, communicants of said church,*" was read the second time as reported by committee of the whole yesterday, considered by section, and agreed to.

Ordered, That the said bill be prepared for the third reading.

The bill entitled, "*An act granting Andrew Crookshank the depreciation of his pay as a sergeant, in the late revolutionary war,*" was read the second time as reported by committee of the whole yesterday, and considered by section.

Section I. being under consideration:

The question on agreeing thereto being put, was determined in the negative.

And so the bill was lost.

Agreeably to order, the Senate resumed, in committee of the whole, (Mr. Hart in the chair) the further consideration of

The bill entitled, "*An act making provision for the defence of the northern and western frontiers of this state.*" And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

On motion of Mr. Vance and Mr. Hart,

The following resolution was twice read, considered, and adopted, *to wit* :

Resolved, That the Speaker draw his warrant on the State-Treasurer, in favor of Henry Grimler, printer of the Journal of the Senate, in the German language, for two hundred dollars ; he to account for the same on the settlement of his accounts.

Whereupon,

A warrant was accordingly so drawn.

The Clerk of the House of Representatives presented for signature, four bills, entitled as follow, *to wit* :

1. "An act to raise by way of lottery, a sum of money to defray the expences incurred by the trustees of the German Presbyterian and German Lutheran congregations in the borough of Carlisle and its vicinity, in the county of Cumberland."

2. "An act to change the name of Christian Febiger Carson, to Christian Carson Febiger."

3. "An act to authorize and empower Priscilla Dill, widow of Thomas Dill, deceased ; William Wireman, senior, and William Wireman, junior, guardians of the minor children of Thomas Dill, and administrators of the estate of Caleb Dill, deceased, to sell and convey one-fourth part of two several tracts of land in Monahan township, in the county of York."

4. "An act for the relief of Samuel Ashton."

Whereupon,

The Speaker signed the said bills.

Mr. Miller, from the committee appointed for that purpose, made report, That the committee, in conjunction with the committee of the House of Representatives, this day presented to the Governor, for his approbation, the bills entitled as follow, *to wit* :

1. "*An act to enable the Governor to incorporate a company, to make an artificial road, by the best and nearest route, from the town of Hanover, in the county of York, to the Maryland line, at or near the place the turnpike from Baltimore to the state line, towards Hanover, will strike the same.*"

2. "*An act for the relief of the inhabitants of the village of Palmyra, in the township of Londonderry, Dauphin county.*"

3. "*A further supplement to the act entitled, "An act to provide for the erection of a house for the employment and support of the poor in the county of Dauphin."*

4. "*An act to authorize and empower Priscilla Dill, widow of Thomas Dill, deceased; William Wireman, senior, and William Wireman, junior, guardians of the minor children of Thomas Dill, and administrators of Caleb Dill, deceased, to sell and convey one-fourth part of two several tracts of land in Monahan township, in the county of York."*

5. "*An act granting a tract of donation land to William M'Cormick."*

6. "*An act to raise by way of lottery, a sum of money to defray the expences incurred by the trustees of the German Presbyterian and German Lutheran congregations in the borough of Carlisle and its vicinity, in the county of Cumberland."*

7. "*An act to change the name of Christian Febiger Carson, to Christian Carson Febiger."*

8. "*An act to enable the elders, wardens, and members of the Lutheran and Presbyterian congregations in Robinson township, Berks county, to raise by way of lottery, a sum of money for the purpose of building a meeting-house and school-house in the said township."*

9. "*An act granting a tract of donation land to John Morris."*

10. "*An act to raise by way of lottery, a sum not exceeding two thousand five hundred dollars for finishing a church in the town of Hanover, in the county of York."*

11. "*An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house in Shippenburg, in the county of Cumberland."*

12. "*An act to validate and confirm the proceedings of certain justices of the peace in the county of Adams, in cases therein mentioned."*

13. "*An act for the relief of Samuel Ashton."*

14. "*An act to enable commissioners to convey lots of ground in the town of Fanetsburg, in the county of Franklin."*

15. "*An act for establishing and building a bridge across the river Schuylkill, at or near the falls thereof."*

Adjourned till 11 o'clock, Monday morning.

*Monday, February 22, 1808.*

Mr. Hart, from the committee to whom was referred on the nineteenth instant, the thirteenth item of the report of unfinished business, *to wit*: The bill entitled, "*An act allowing the Philadelphia bank to establish branches,*" reported the bill with one amendment; which was read as reported.

The Secretary of the Commonwealth presented a message from the Governor; which was read as follows, *to wit*:

*"To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

"GENTLEMEN,

"I HAVE this day approved and signed the following Acts of the General Assembly, and directed the Secretary to return the same to the respective Houses in which they originated:

1. "An act to enable the Governor to incorporate a company to make an artificial road by the best and nearest route, from the town of Hanover in the county of York, to the Maryland line, at or near the place the turnpike from Baltimore to the state line towards Hanover, will strike the same."

2. "An act for the relief of the inhabitants of the village of Palmyra, in the township of Londonderry, Dauphin county."

3. "A further supplement to the act entitled, "An act to provide for the erection of a house for the employment and support of the poor in the county of Dauphin."

4. "An act to authorize and empower Priscilla Dill, widow of Thomas Dill, deceased; William Wireman, senior, and William Wireman, junior, guardians of the minor children of Thomas Dill, and administrators of the estate of Caleb Dill, deceased, to sell one-fourth part of two several tracts of land in Monahan township, in the county of York."

5. "An act granting a tract of donation land to William McCormick."

6. "An act to raise by way of lottery, a sum of

money to defray the expences incurred by the trustees of the German Presbyterian and German Lutheran congregations in the borough of Carlisle and its vicinity, in the county of Cumberland."

7. "An act to change the name of Christian Febiger Carson, to Christian Carson Febiger."

8. "An act to enable the elders, wardens, and members of the Lutheran and Presbyterian congregations in Robinson township, Berks county, to raise by way of lottery a sum of money, for the purpose of building a meeting-house and school-house in the said township."

9. "An act granting a tract of donation land to John Morris."

10. "An act to raise by way of lottery, a sum not exceeding two thousand five hundred dollars, for finishing a church in the town of Hanover, in the county of York."

11. "An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house in Shippensburg, in the county of Cumberland."

12. "An act to validate and confirm the proceedings of certain justices of the peace in the county of Adams, in certain cases therein mentioned."

13. "An act for the relief of Samuel Ashton."

14. "An act to enable commissioners to convey lots of ground in the town of Fanetsburg, in the county of Franklin."

15. "An act for establishing and building a bridge across the river Schuylkill, at or near the falls thereof."

"THOMAS M'KEAN.

"*Lancaster, February 22, 1808.*"

The bill entitled, "*An act making provision for the defence of the northern and western frontiers of this state,*" was read the second time as reported by committee of the whole on the twentieth instant, and considered by section.

Section I. being under consideration :

A motion was made by Mr. Wayne and Mr. Heston, to amend the section, by striking out the commissioners named therein, and inserting a provision to authorize the Governor to appoint commissioners.

On which motion,

The Yeas and Nays were required by Mr. Wayne and Mr. Pennell.

Whereupon, after debate,

On the question being put, the Members voted as follow, *to wit* :

#### YEAS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Gress,
4. Mr. Harris,

#### NAYS.

1. Mr. Blocher,
2. Mr. Dorsey,
3. Mr. Hart,
4. Mr. Hiester,
5. Mr. Laird,
6. Mr. Martin,
7. Mr. M'Arthur,

#### YEAS.

5. Mr. Heston,
6. Mr. Mayer,
7. Mr. Miller,
8. Mr. Wayne.

#### NAYS.

8. Mr. Mitchell,
9. Mr. Pennell,
10. Mr. Rahm,
11. Mr. Roberts,
12. Mr. Vance,
13. Mr. Lane, *Speaker*.

Eight Yeas and thirteen Nays ; by which it appeared, that the question was determined in the negative, and the amendment disagreed to.

The section was adopted.

Section II. being under consideration :

A motion was made by Mr. Wayne and Mr. Heston, to amend the section, by striking out the agent therein named, and inserting a provision authorizing the Governor to appoint the agent.

On which motion,

The Yeas and Nays were required by Mr. Wayne and Mr. Hart.

Whereupon, after debate,

On the question being put, the Members voted as follow, *to wit* :

#### YEAS.

1. Mr. Campbell,
2. Mr. Gress,
3. Mr. Harris,
4. Mr. Heston.

#### NAYS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Dorsey,
4. Mr. Hart,

#### YEAS.

5. Mr. Mayer,
6. Mr. Miller,
7. Mr. Wayne.

#### NAYS.

5. Mr. Hiester,
6. Mr. Laird,
7. Mr. Martin,
8. Mr. M'Arthur,

## NAYS.

9. Mr. Mitchell,
10. Mr. Pennell,
11. Mr. Rahm,

## NAYS.

12. Mr. Roberts,
13. Mr. Vance,
14. Mr. Lane, *Speaker*.

Seven Yeas and fourteen Nays; by which it appeared, that the question was determined in the negative, and the amendment disagreed to.

A motion was made by Mr. Pennell and Mr. Roberts, to amend the section, by reducing the number of rifle guns (proposed to be procured) from "*two thousand*," to "*one thousand*."

A division of the motion was called for, and a question first taken on striking out; which was agreed to.

A motion was then made by Mr. Wayne and Mr. Vance, to fill the blank with "*fifteen hundred*;" which was agreed to.

On motion of Mr. Brady and Mr. Martin,

Agreed, That the section be further amended, by reducing the quantity of gunpowder from "*four thousand*," to "*fifteen hundred pounds*" weight.

A motion was then made by Mr. Pennell and Mr. Vance, to amend the section, by striking out "*eight thousand pounds*," the quantity of lead to be procured, for the purpose of inserting a less quantity; which was agreed to.

Whereupon,

A motion was made by Mr. Brady and Mr. Vance, to insert "*three thousand*;" which was agreed to.

On motion of Mr. Pennell and Mr. Heston,

Agreed, That the section be further amended, by striking out "*twelve thousand*," (the number of gun-flints) and inserting in place thereof, "*eight thousand*."

A motion was then made by Mr. Vance and Mr. Martin, to reduce the number of tomahawks from "*two thousand*," to "*fifteen hundred*;" which was agreed to.

On motion of Mr. Hart and Mr. Vance,

The section was further amended, by reducing the number of hunters' knives, from "*two thousand*," to "*fifteen hundred*."

A motion was then made by Mr. Hart and Mr. Vance, to strike out the "*pouches, powder-horns*," and "*knapsacks*;" which was agreed to, and the section as amended, adopted.

Sections III. IV. V. VI. and VII. were severally adopted.

Section VIII. was disagreed to.

The title of the bill having been agreed to :

Ordered, That the said bill be prepared for the third reading.

The bill entitled, "*An appropriation to complete the powder magazine of the state, in the county of Philadelphia,*" was read the second time as reported by select committee on the fourth instant.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Brady in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with one amendment ; which was read as reported.

Thereupon,

On motion of Mr. Dorsey and Mr. Roberts, and by special order,

The said bill was considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

Adjourned till 11 o'clock, to-morrow morning.

~~~~~  
Tuesday, February 23, 1808.

Mr. Roberts presented the remonstrance of the subscribers thereto, inhabitants of the borough of Lancaster ; stating, That the bill now before the Senate, (to alter the act of incorporation of the said borough) if passed into a law, will be intolerably burthensome and expensive, particularly on the middling and poorer classes of the inhabitants, and have a tendency to establish an arbitrary power : they therefore pray, that the said bill may not be passed. And the same was twice read, and referred to the committee of the whole, when that committee shall have the said bill under consideration.

Mr. Roberts, from the committee appointed on the

eleventh of December last, to inquire and make report, if any, and what alterations may usefully and conveniently be made by law, in the Land-Office, the Department of Accounts, and of the Treasury, made report, in part, as follows, *to wit*:

The duties arising out of the sale and confirmation of titles to land, are now performed in five offices, *to wit*: In the three Land-Offices, the Rolls'-Office, and the Office of State. The great object which ought to direct and govern the operations in the Land Department, is, to insure justice to the applicants for title, and protection to the property of the state from injury, and from an improper application to private use. The second object is to secure these with the least expence to the state, and the least trouble to the citizen. No guard is so effectual to prevent abuses, as simplicity and plainness of operation.

The Land-Offices being established by the proprietary, for the disposal of his estate and the security of his property, accounts for its multiplied offices, and for its being separated from the other concerns of the state. The long establishment of three offices in the department, has so multiplied and diversified its operations and records, as to render them very difficult of explication. The great variety of ways by which title has been acquired under the proprietary and the Commonwealth, and the many statutes out of which they have originated, have greatly tended to increase the embarrassment.

During the administration of Governor Mifflin, an unusual quantity of business occurred in the Land-Offices; and a neglect to keep up the business, produced a disorder in the Offices, that was greatly increased by the removal of the government to Lancaster. Considerable sums have been, from time to time, appropriated to bring up the back business. The report of the Receiver-General to the Governor, of November 21, 1807, states, That "he confidently expects the back business will be brought up in his office during the ensuing summer." The Surveyor-General, in answer to the inquiries of the committee, as to the state of the records in his office, says, "He has the plea-

sure to state, they are in a better situation than at any former period." From the report of the Secretary, it appears, there is a considerable portion of back business in his office; which, perhaps it would be the interest of the state, should be brought up.

The committee are of opinion, that a very considerable expence may be saved, and convenience to the applicants obtained, by making some alterations that will neither hazard the order or regularity of the proceedings of the department.

The duties of the Receiver-General's office, from their nature, belong to the office of the Secretary of the Land-Office, and to the Treasurer. By placing the books of the Receiver in the latter office, the calculations of purchase-money and interest could be done with little trouble, at the time the conditions of sale, and the date when interest accrues, are certified as at present, to which the fees accruing in patenting might be added; and the trouble and duty of paying and receiving them in small items, would be saved to the citizen and the clerk.

By assigning the duties of the Receiver-General to the Secretary, it would not increase the business of his office much, when so many items of the present business would be superseded; and the duties it enjoins on the State-Treasurer would be still less.

The Rolls'-Office is now a considerable expence to the state, and productive of inconveniencies both to the citizens and to the operations of government. As the duty of collating and publishing the laws is now assigned to the Secretary of the Commonwealth, the public convenience would be promoted, if they were enrolled under his direction, and the fees of enrolment in a great measure saved. The enrolling of patents, of right, belongs to the Land-Office; and but little more time would be necessary to do this duty, than is at present occupied in carrying the patent to the Rolls'-Office. The enrolling of patents would afford considerably more fees, than would employ a clerk to do it; but as no additional clerk-hire would be necessary, if this arrangement was to take place, it would neat a considerable revenue. In that case, the Receiver's Office and the

Rolls'-Office might be abolished; and the duties in the board of property might be transferred to the Secretary of the Commonwealth, and an officer to be especially appointed for that purpose.

Though, from the inquiries of the committee, they are of opinion, that the whole of the land business might be done in one office, and under the care of one principal; yet they apprehend, that the present insecure state of the offices might make the risk of accident too great, if all the original papers were to be deposited in one office. But that the Land-offices may, and ought to be reduced to two, they hesitate not to declare. The quantity of original business is now small, and can never increase. Only two hundred and twenty warrants issued during the last year, and about eight hundred patents. For six years the receipts in the Receiver's office, have been about fifty thousand dollars annually. The expence of the Land Department, for the last year, has been about fourteen thousand dollars. Whether such an expenditure is warranted on such service, is an inquiry of deep interest to the state. There are, it must be allowed, from eight to ten thousand dollars yearly of fees paid into these offices; but it does not appear necessary to retain this expensive establishment merely to receive the fees. The committee, in recommending alterations, do not propose they should be lessened; indeed justice demands they should not. Much of the business of each office, now consists in receiving of fees; and if, instead of this, the patenting fees were thrown into one item, much labor would be saved to the clerks, and trouble to applicants, as before observed.

From the report of the Secretary of the Land-Office, made by request of the committee, they find, that for the last six years, there have been recorded nearly one hundred and fifty cases on the minutes of the board of property yearly. In that time there have been but four appeals; three of which, report says, have been confirmed; the fourth remains undecided. When the defects of the administration of justice in our courts of law are considered, and the expence that must necessarily be incurred, in sending the original papers from the

Land-Office into the remote counties of the state, in trials therein, the value of this equitable tribunal which has access to the original evidences of title, and which decides untrammelled by the absurd forms of judicial process, may be well estimated. The committee find, that while the judges of other courts, where jury trial forms the most conspicuous principle, are rendered independent even of the people, the board of property, as now constituted, who sit as a court of equity without a jury, hold their offices at the will of the Governor. A proper responsibility to the people or their immediate representatives, should always be felt by judges; but they should never be responsible to a single magistrate. Would any judge dare to incur the enmity of the Governor, by giving an opinion disagreeable to him, when his family may be turned out of doors in consequence of it? This influence is the more dangerous, as it may be exercised without reasons being assigned, or being apparent. To avert the effects of a principle so adverse to justice, becomes an indispensable duty on the Legislature. As in this case, as great evils may arise for want of a proper independence, as in other cases from a too great irresponsibility; the committee here wish to be understood, as making no retrospective allusions. From these considerations, the committee submit, for the approbation of Senate, the following resolution, *to wit*:

Resolved, That a committee be appointed to bring in a bill, directing,

First, That the books of the Receiver-General be put into the office of the Secretary of the Land-Office. The calculations of the purchase-money due on lands, with the interest and the amount of fees as now paid on the different operations in acquiring a patent, which may be unpaid, to be stated in that office, and certified to the Treasurer, who, on receipt of the money, shall give a duplicate receipt therefor to the person so paying; one of which receipts such person shall deposit with the Secretary of the Land-Office, to be filed in his office, thereupon the patent to issue in due course.

Second, The patent books of the Rolls'-Office and records relating thereto, to be put into the office of the

Secretary of the Land-Office, and the patents to be recorded under his direction.

Third, The law books of the Rolls'-Office and records relative thereto, to be put into the office of the Secretary of the Commonwealth, and the enrolling of the laws to be done under his direction.

Fourth, The Secretary of the Land-Office to exhibit monthly to the Register-General, the amount in detail of the monies, certified to the Treasurer as due to the state, as well as an account of search-fees, fees for caveats, citations, and office-copies; and the Surveyor-General, in like manner, to account for search-fees and fees for office-copies, which may be received in his office, both offices to account on oath.

Fifth, The Secretary of the Land-Office and Surveyor-General to pay the search and office copy-fees, &c. to the Treasurer weekly.

Sixth, The allowance for clerks to be so arranged as to suit the business of the Land-Offices, and the clerks to be under oath.

Seventh, The Secretary of the Land-Office and Surveyor-General to remain as they now are, members of the board of property, to be appointed by the Governor for three years; to be removed on address of a majority of the Senate and House of Representatives.

Eighth, The Secretary of the Commonwealth to be a member of the board of property, in his present tenure of office. A fourth member to be appointed and removed in the same manner as the Secretary and Surveyor, and have a yearly allowance for his services.

The bill entitled, "*An act making provision for the defence of the northern and western frontiers of this state,*" was read the third time.

Whereupon,

(After some verbal amendments, by unanimous consent, in the bill, and the title amended so as to read, "*An act authorizing the procurement of certain articles for the better defence of the northern and western frontiers of this state, and for other purposes therein mentioned.*")

The Yeas and Nays on the passage of the said bill, were required by Mr. Hart and Mr. Pennell; and, on

the question being put, the Members voted as follow,
to wit :

YEAS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Dorsey,
5. Mr. Gress,
6. Mr. Hart,
7. Mr. Hiester,

NAYS.

1. Mr. Harris,
2. Mr. Heston,
3. Mr. Lattimore,

YEAS.

8. Mr. Laird,
9. Mr. Martin,
10. Mr. M'Arthur,
11. Mr. Roberts,
12. Mr. Vance,
13. Mr. Wayne,
14. Mr. Lane, *Speaker*.

NAYS.

4. Mr. Mayer,
5. Mr. Pennell,
6. Mr. Slaymaker.

Fourteen Yeas and six Nays; by which it appeared, that the question was determined in the affirmative.

Ordered, That the said bill be presented to the House of Representatives for concurrence.

The bill entitled, "*An act making an appropriation to complete the powder magazine of the state, in the county of Philadelphia,*" was read the third time.

Whereupon,

The Yeas and Nays on the passage of the said bill, were required by Mr. Laird and Mr. Martin. And,

On the question being put, the Members voted as follow, to wit :

YEAS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Dorsey,
5. Mr. Harris,
6. Mr. Hart,
7. Mr. Heston,
8. Mr. Hiester,
9. Mr. Lattimore,

NAYS.

1. Mr. Laird,
2. Mr. M'Arthur,

YEAS.

10. Mr. Martin,
11. Mr. Mayer,
12. Mr. Pennell,
13. Mr. Roberts,
14. Mr. Slaymaker,
15. Mr. Vance,
16. Mr. Wayne,
17. Mr. Lane, *Speaker*.

NAYS.

3. Mr. Miller,

Seventeen Yeas and three Nays; by which it appeared, that the question was determined in the affirmative.

Ordered, That the said bill be returned to the House of Representatives, with information, That Senate have passed the same with one amendment, in which the concurrence of that House is requested.

(Which amendment is to reduce the sum appropriated towards building the magazine, from "*seven thousand two hundred and one dollars, four cents,*" to "*five thousand*" dollars.)

On motion of Mr. Wayne and Mr. Miller,

The committee to whom was referred, on the fifth of December last, the second item of the report of the committee on the Governor's address, *to wit*: "*The judiciary system, and mode of selecting jurors,*" was discharged from the further consideration thereof.

On motion of Mr. Laird and Mr. Heston,

The committee to whom was re-committed on the tenth instant, the bill entitled, "*An act for the relief of George Stevenson,*" was discharged from the further consideration thereof.

Whereupon,

The said bill recurring, (and section I. being under consideration) was, on motion, postponed for the present.

A motion was made by Mr. Wayne and Mr. Hart, to dispense (during the remainder of the session) with that part of the twentieth rule of Senate, which directs the calling over committees weekly; which was not agreed to.

The bill entitled, "*A supplement to an act entitled, 'An act for raising by way of lottery, the sum of six thousand dollars for defraying the expences of making an aqueduct to conduct water into the town of Meadville,'*" was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "*An act declaring Big Mahoning creek, in Armstrong and Indiana counties, a public highway,*" was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

On motion of Mr. Wayne and Mr. Martin,

The Senate resumed the consideration of the tenth item of the report of the unfinished business, *to wit*:

The bill entitled, "*An act for the relief of Francis Johnston.*"

Whereupon,

The said bill was referred to Mr. Wayne, Mr. Hiester, and Mr. Dorsey, to consider and report thereon.

The bill entitled, "*An act authorizing the sale of real estate, late the property of Adam Imbody, of Berks county, deceased,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Roberts in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with the first section negatived.

The bill entitled, "*An act enjoining certain duties upon the Treasurer of this Commonwealth,*" was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

Thereupon,

On motion of Mr. Roberts and Mr. Pennell,

The said bill was read the third time. And,

On the question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, That Senate have passed the same without amendment.

The bill entitled, "*An act for the relief of John Morris,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Pennell in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

The bill entitled, "*An act repealing the first section of an act entitled, 'An act supplementary to an act entitled, 'An act that no public house or inn within this province be kept without licence,'*" was read the second time as reported by committee of the whole on the seventeenth instant, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.
Adjourned till 11 o'clock, to-morrow morning.

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*Wednesday, February 24, 1808.*

Mr. Rahm presented the petition of the subscribers thereto, inhabitants of Harrisburg and its vicinity, in the county of Dauphin; stating, That great advantages would arise to the community at large, from the erection of merchant-mills, forges, and other water-works, at the borough of Harrisburg, by means of a canal to be cut from or near Hunter's falls to the said borough: the petitioners therefore pray for an act of incorporation. And the said petition was twice read, and referred to Mr. Rahm, Mr. Dorsey, and Mr. Hiester, to consider and report thereon.

Mr. Campbell, from the committee to whom was referred on the twelfth instant, the petition of John Cavanaugh, on leave now given, reported the bill entitled, "*An act for the relief of John Cavanaugh,*" was read the first time.

The bill entitled, "*A supplement to an act entitled, 'An act for raising by way of lottery, the sum of six thousand dollars for defraying the expences of making an aqueduct to conduct water into the town of Meadville,'*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*An act repealing the first section of an act entitled, 'An act supplementary to an act entitled, 'An act that no public house or inn within this province be kept without licence,'*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*An act declaring Big Mahoning creek, in Armstrong and Indiana counties, a public highway,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, That Senate have passed the said bill without amendment.

The bill entitled, "*An act to provide for the erection of a house for the employment and support of the poor in the county of Cumberland,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Hart in the chair) for the further consideration thereof. And,

After some time,

The committee rose, reported progress, and had leave to sit again to-morrow.

The Clerk of the House of Representatives informed Senate, That that House have concurred in the amendments by Senate, on the bill entitled, "*An act making an appropriation to complete the powder magazine of the state, in the county of Philadelphia.*"

And he presented for signature, two bills, entitled as follow, *to wit*:

1. "*An act making an appropriation to complete the powder magazine of the state, in the county of Philadelphia.*"

2. "*An act enjoining certain duties upon the Treasurer of this Commonwealth.*"

Whereupon,

The Speaker signed the said bills.

The bill entitled, "*An act to alter an act entitled, 'An act to re-establish the ancient corporation of the burgesses and inhabitants of the borough of Lancaster, in the county of Lancaster,'*" was read the second time, and referred to Mr. Wayne, Mr. Mayer, Mr. Roberts, Mr. M'Arthur, and Mr. Hiester, to consider and report thereon.

The bill entitled, "*An act for the relief of Emanuel Bollinger and Valentine Weirich,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Wayne in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with one amendment; which was read as reported.

On motion of Mr. Roberts and Mr. Wayne,

The Senate resumed, in committee of the whole, (Mr. M'Arthur in the chair) the consideration of the bill entitled, "*An act for the relief of John Ashton.*" And,

After some time,

The committee rose, and reported the bill with the first section disagreed to.

Whereupon,

On motion of Mr. Vance and Mr. Roberts,

The Senate proceeded to the consideration of the report of the committee of the whole. And,

Thereupon,

The Yeas and Nays on adopting the said report, were required by Mr. Roberts and Mr. Hart. And,

On the question being put, the Members voted as follow, *to wit*:

#### YEAS.

1. Mr. Blocher,
2. Mr. Gress,
3. Mr. Harris,
4. Mr. Heston,
5. Mr. Hiester,

#### NAYS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Hart,
5. Mr. Laird,
6. Mr. Lattimore,
7. Mr. Martin,

#### YEAS.

6. Mr. Mayer,
7. Mr. Miller,
8. Mr. Pennell,
9. Mr. Slaymaker,
10. Mr. Lane, *Speaker*.

#### NAYS.

8. Mr. M'Arthur,
9. Mr. Mitchell,
10. Mr. Rahm,
11. Mr. Roberts,
12. Mr. Vance,
13. Mr. Wayne.

Ten Yeas and thirteen Nays; by which it appeared, that the question was determined in the negative.

Whereupon,

The consideration of the said bill recurring,

Section I. being under consideration :

Was agreed to.

The title being agreed to :

Ordered, That the said bill be prepared for the third reading.

Moved by Mr. Laird and Mr. Brady,

Resolved, That the Legislature will adjourn on Monday the twenty-first day of March next, without day.

Ordered, to lie upon the table.

On motion of Mr. Vance and Mr. Mitchell,

The following resolution was twice read, considered, and adopted, *to wit* :

Resolved, That the Speaker draw his warrant on the State-Treasurer, in favor of W. C. Smyth, printer of the Journal of the Senate, in the English language, for four hundred dollars ; he to account for the same.

Whereupon,

A warrant was accordingly so drawn.

Mr. Miller, from the committee appointed for that purpose, made report, That the committee, in conjunction with the committee of the House of Representatives, this day presented to the Governor for his approbation, the bills entitled as follow, *to wit* :

1. "An act to raise by way of lottery, a sum of money for the purpose of building a meeting-house in the borough of Chambersburg, Franklin county."

2. "An act making an appropriation to complete the powder magazine of the state, in the county of Philadelphia."

3. "An act enjoining certain duties upon the Treasurer of this Commonwealth."

Adjourned till 11 o'clock, to-morrow morning.



*Thursday, February 25, 1808.*

The Speaker laid before the Senate, the report of the president and managers of the Cheltenham and Willow-Grove turnpike company, transmitted in conformity with the eighteenth section of the act authorizing the incorporation of said company, stating :

|                                                                                                                                                 |            |
|-------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| That the amount of capital expended in making the road, is,                                                                                     | \$ 80,800  |
| Amount of tolls received during the year, from November, one thousand eight hundred and six, to November, one thousand eight hundred and seven, | \$5,791 23 |
| Amount of payments for salaries, repairs, road and other contingent expences for said time,                                                     | 1,392 65   |

Balance being the amount of profits, \$4,398 63 equal to five dollars and forty-four cents per cent. per annum, on the said capital stock.

Mr. Brady, from the committee to whom was referred on the thirteenth instant, the petition of John Brandon, and others, on leave then given, reported the bill entitled, "*An act for the relief of the heirs of Christopher Walthour, senior, deceased;*" which was read the first time.

The bill entitled, "*An act for the relief of Emanuel Bollinger and Valentine Weirich,*" was read the second time as reported by committee of the whole yesterday, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "*An act allowing the Philadelphia bank to establish branches,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Hart in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with one amendment; which was read as reported.

The Clerk of the House of Representatives presented for concurrence, two bills, entitled as follow, *to wit*:

1. "An act to enable Israel Roberts, John Ogden, and William Levis, junior, guardians of the minor children of Seth Pancoast, deceased, to sell and convey certain real estate therein mentioned."

2. "An act authorizing the valuation of certain lots

in the city of Philadelphia, for the benefit of William Mitchell, of Bucks county."

Which were severally read the first time.

The Secretary of the Commonwealth presented a message from the Governor; which was read as follows, *to wit*:

*"To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

"GENTLEMEN,

"I HAVE this day approved and signed the following Acts of the General Assembly, and directed the Secretary to return them to the House of Representatives, in which they originated:

1. "An act enjoining certain duties upon the Treasurer of this Commonwealth."

2. "An act making an appropriation to complete the powder magazine of the state, in the county of Philadelphia."

3. "An act to raise by way of lottery, a sum of money for the purpose of building a meeting-house in the borough of Chambersburg, Franklin county."

"THOMAS M'KEAN.

*"Lancaster, February 25, 1808."*

On motion of Mr. Wayne and Mr. Hart,

The following resolution was twice read, considered, and adopted, *to wit*:

Resolved, That the Clerk of Senate be, and he is hereby directed to subscribe on behalf of Senate, for one copy of Arrowsmith's Map of the World, about to be published by Thomas L. Plowman.

Agreeably to order, the Senate resumed, in committee of the whole, (Mr. Hart in the chair) the consideration of

The bill entitled, "*An act to provide for the erection of a house for the employment and support of the poor in the county of Cumberland.*" And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

On motion of Mr. Hart and Mr. Roberts, and by special order,

The bill entitled, "*An act authorizing the valuation*

of certain lots in the city of Philadelphia, for the benefit of William Mitchell, of Bucks county," was read the second time, and referred to Mr. Pennell, Mr. Hart, and Mr. Roberts, to consider and report thereon.

Adjourned till 11 o'clock, to-morrow morning.

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## Friday, February 26, 1808.

Mr. Hart presented the petition of the subscribers thereto, inhabitants of the township of Bensalem, in the county of Bucks; praying, That the said township may be erected into a separate election district. And the said petition was twice read, and referred to Mr. Hart, Mr. Sommer, and Mr. Wayne, to consider and report thereon.

Mr. M'Arthur, from the committee to whom was referred on the twenty-second of last month, the memorial of the subscribers thereto, inhabitants of the county of Crawford, on leave now given, reported

The bill entitled, "*A supplement to an act entitled, 'An act to incorporate trustees for the Meadville academy, and to establish the same;'*" which was read the first time.

The bill entitled, "*An act for the relief of Emanuel Bollinger and Valentine Weirich,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*An act to enable certain persons therein named, to sell and convey a messuage and lot of ground devised by the late John Keble to the corporation of St. Paul's church, in the city of Philadelphia, for the use of aged widows, communicants of said church,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, That Senate have passed the said bill with amendments, in which the concurrence of that House is requested.

The amendments are :

To confine the corporation in vesting the monies arising from the sale of said estate, to *real* property—the other merely verbal.

The bill entitled, "*An act allowing the Philadelphia bank to establish branches,*" was read the second time as reported by committee of the whole, and considered by section.

The first and only section being under consideration :

A motion was made by Mr. Wayne and Mr. Mayer, to amend the section, by inserting a provision, excepting the boroughs of Lancaster and Pittsburg.

On which motion,

The Yeas and Nays were required by Mr. Wayne and Mr. Pennell; and, on the question being put, the Members voted as follow, *to wit* :

#### YEAS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Lattimore,
4. Mr. Martin,
5. Mr. Mayer,

#### NAYS.

1. Mr. Blocher,
2. Mr. Dorsey,
3. Mr. Gress,
4. Mr. Harris,
5. Mr. Hart,
6. Mr. Heston,
7. Mr. Hiester,

#### YEAS.

6. Mr. M'Arthur,
7. Mr. Rankin,
8. Mr. Roberts,
9. Mr. Slaymaker,
10. Mr. Wayne.

#### NAYS.

8. Mr. Laird,
9. Mr. Mitchell,
10. Mr. Pennell,
11. Mr. Rahm,
12. Mr. Sommer,
13. Mr. Vance,
14. Mr. Lane, *Speaker*.

Ten Yeas and fourteen Nays; by which it appeared, that the question was determined in the negative.

A motion was made by Mr. Sommer and Mr. Roberts, to amend the section, by rendering it necessary to obtain the consent of the majority of the citizens, before a branch bank is established in any borough or town; which was agreed to.

A motion was then made by Mr. Dorsey and Mr.



Mitchell, further to amend the section, by striking out that part which declares, that the notes issued at either of the branch banks, shall be payable at the Philadelphia bank, or any of its branches; which was not agreed to.

On motion of Mr. Sommer and Mr. Wayne,

The section was amended by modifying the provision which directs, that the notes issued by the Philadelphia bank, or any of its branches, shall be payable at the said bank, or either of its branches; so as to be payable at the branch issuing the same, or at the Philadelphia bank.

A motion was then made by Mr. M'Arthur and Mr. Roberts, further to amend the section, by confining the powers of the Philadelphia bank in establishing branch banks, to the borough of Brownsville, in the county of Fayette; which was not agreed to.

Whereupon,

The Yeas and Nays on adopting the section, were required by Mr. Dorsey and Mr. Hart. And,

On the question being put, the Members voted as follow, *to wit*:

#### YEAS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Hart,
7. Mr. Heston,
8. Mr. Hiester,

#### YEAS.

9. Mr. Laird,
10. Mr. Lattimore,
11. Mr. Mitchell,
12. Mr. Rahm,
13. Mr. Slaymaker,
14. Mr. Sommer,
15. Mr. Lane, *Speaker*.

#### NAYS.

1. Mr. Blocher,
2. Mr. Martin,
3. Mr. Mayer,
4. Mr. M'Arthur,
5. Mr. Pennell,

#### NAYS.

6. Mr. Rankin,
7. Mr. Roberts,
8. Mr. Vance,
9. Mr. Wayne.

Fifteen Yeas and nine Nays; by which it appeared, that the question was determined in the affirmative.

The title having been agreed to:

Ordered, That the said bill be prepared for the third reading.

The Clerk of the House of Representatives presented for concurrence, three bills, entitled as follow, *to wit*:

1. "An act to enable the administrators of Peter Ankeny, late of the county of Somerset, deceased, to convey certain lots of ground in the borough of Somerset, to the purchasers thereof."

2. "A supplement to an act entitled, "An act directing the mode of settling accounts in the Land-Office, and to prevent frauds in obtaining warrants for land."

3. "An act to alter the time of holding fairs in the borough of Carlisle, in the county of Cumberland."

Which were severally read the first time.

The bill entitled, "*An act to provide for the erection of a house for the employment and support of the poor in the county of Cumberland,*" was read the second time as reported by committee of the whole, and considered by section.

Section I. being under consideration :

A motion was made by Mr. Brady and Mr. Harris, to amend the section, by striking out from the word "*that,*" in line 4, to the end of the section, and inserting in lieu thereof, the following, *to wit* :

"A house for the employment and support of the poor, shall be erected in the county of Cumberland, in the manner and under the conditions hereinafter prescribed and enacted;" which was agreed to, and the section as amended, adopted.

Section II. being under consideration :

A motion was made by Mr. Roberts and Mr. Laird, to amend the section, by striking from the word "*citizens,*" in line 2, to the word "*Commonwealth,*" in line 5, inclusive, and to insert in lieu thereof, the following, *to wit* :

"Sheriff of Cumberland county, in his proclamation giving notice of the next general election to be held in said county, shall give notice to the electors at the election aforesaid, under the same regulations as by law said general elections are directed to be held, to" which was agreed to, and the section as amended, adopted.

Sections III. and IV. were severally adopted.

Section V. being under consideration :

A motion was made by Mr. Roberts and Mr. Wayne, to amend the section, by inserting the following at the end thereof, *to wit* :

“And provided further, That the said directors shall annually after the estimate made aforesaid, make an estimate of the sum necessary for the support of the poor of the said county for the year ensuing, and shall forward the same to the county commissioners, who shall provide by tax or otherwise the sum required by such estimate, and pay the same over to the treasurer of the said corporation as aforesaid;” which was agreed to, and the section as amended, adopted.

The remaining sections, with the title, having been agreed to :

Ordered, That the said bill be prepared for the third reading.

The bill entitled, “*An act to dissolve the marriage of Jacob Mayer and Catharine his wife,*” was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Harris in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with one amendment; which was read as reported.

The resolution relative to the adjournment of the Legislature, read on the twenty-fourth instant, was again read, considered, and adopted, as follows, *to wit* :

Resolved, That the Legislature will adjourn on Monday the twenty-first day of March next, without day.

Ordered, That an Extract of the Journal containing the said resolution, be presented to the House of Representatives.

On leave given,

Mr. Pennell read a bill in his place; and, by permission, presented the same to the chair, entitled, “*A further supplement to the act entitled, “An act to provide for the erection of a house for the employment and support of the poor in the county of Delaware;”*” which was read the first time.

The bill entitled, “*An act altering the places of holding the general elections for the townships of Ferguson and Potter, in Centre county,*” was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.  
Adjourned till 11 o'clock, to-morrow morning.

~~~~~  
Saturday, February 27, 1808.

Mr. Hart presented the petition of the subscribers thereto, inhabitants of the Commonwealth, stating the importance of the road from Pocone mountain to the north line of the state, (commonly called the north and south road) which was opened in one thousand seven hundred and eighty-seven, and one thousand seven hundred and eighty-eight; and soliciting the Legislature to direct such measures to be adopted, as will realize to the Commonwealth the advantages which the said road, if put in proper order, may produce. And the said petition was twice read, and

Laid upon the table.

Mr. M'Arthur, from the committee to whom was referred on the twenty-third of last month, the petition of the subscribers thereto, inhabitants of the counties of Mercer and Crawford; on leave now given, reported

The bill entitled, "*An act to alter a certain part of the line, which divides the counties of Mercer and Crawford;*" which was read the first time.

Mr. Pennell, from the committee to whom was referred on the twenty-fifth instant,

The bill entitled, "*An act authorizing the valuation of certain lots in the city of Philadelphia, for the benefit of William Mitchell, of Bucks county;*" reported the said bill without amendment.

Mr. Campbell, from the committee to whom was referred on the ninth instant, the petition of Edward Cavanaugh, on leave now given, reported

The bill entitled, "*An act for the relief of John Cavanaugh;*" which was read the first time.

Mr. Campbell asked, and obtained leave of absence for Mr. Miller, for a few days.

The bill entitled, "*An act allowing the Philadelphia bank to establish branches;*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*An act to provide for the erection of a house for the employment and support of the poor in the county of Cumberland,*" was read the third time.

Whereupon,

The Yeas and Nays, on the passage of the said bill, were required by Mr. Mitchell and Mr. Heston. And,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Harris,
5. Mr. Hart,
6. Mr. Martin,
7. Mr. Mayer,

NAYS.

1. Mr. Blocher,
2. Mr. Gress,
3. Mr. Heston,
4. Mr. Hiester,
5. Mr. Laird,

YEAS.

8. Mr. Pennell,
9. Mr. Rahm,
10. Mr. Roberts,
11. Mr. Slaymaker,
12. Mr. Sommer,
13. Mr. Wayne.
14. Mr. Lane, *Speaker*.

NAYS.

6. Mr. Lattimore,
7. Mr. M'Arthur,
8. Mr. Mitchell,
9. Mr. Rankin,
10. Mr. Vance.

Fourteen Yeas and ten Nays; by which it appeared, that the question was determined in the affirmative.

Ordered, That the said bill be presented to the House of Representatives for concurrence.

The bill entitled, "*An act altering the places of holding the general elections for the townships of Ferguson and Potter, in Centre county,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*An act to dissolve the marriage of Jacob Mayer and Catharine his wife,*" was read the second time as reported by committee of the whole yesterday, and considered by section.

The first and only section being under consideration :

After debate,

The Yeas and Nays on agreeing thereto, were required by Mr. Vance and Mr. Rahm. And,

On the question being put, the Members voted as follow, *to wit* :

YEAS.

1. Mr. Blocher,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Hart,
7. Mr. Heston,
8. Mr. Laird,
9. Mr. Lattimore,

YEAS.

10. Mr. Mayer,
11. Mr. M'Arthur,
12. Mr. Mitchell,
13. Mr. Rahm,
14. Mr. Roberts,
15. Mr. Slaymaker,
16. Mr. Sommer,
17. Mr. Wayne.

NAYS.

1. Mr. Hiester,
2. Mr. Martin,
3. Mr. Pennell,

NAYS.

4. Mr. Rankin,
5. Mr. Vance,
6. Mr. Lane, *Speaker*.

Seventeen Yeas and six Nays; by which it appeared, that the question was determined in the affirmative.

The preamble and title having been agreed to :

Ordered, That the said bill be prepared for the third reading.

The Clerk of the House of Representatives presented for concurrence,

The bill entitled, "An act granting an annuity to Thomas Snowden."

He returned the bill entitled, "An act to authorize Jacob Rudizell and George Karl, administrators of the estate of George Karl, deceased, to convey a part of a tract of land therein described to William Young."

And informed, That the House of Representatives have passed the same with amendments; in which the concurrence of Senate is requested.

He also informed, That the House of Representatives have concurred in the amendments by Senate, to the bill entitled, "An act to enable certain persons therein named to sell and convey a messuage and lot of ground devised by the late John Keble, to the corporation of St. Paul's church, in the city of Philadelphia,

for the use of aged widows, communicants of the said church."

And he presented for signature, two bills, entitled as follow, *to wit*:

1. "An act to enable certain persons therein named to sell and convey a messuage and lot of ground devised by the late John Keble, to the corporation of St. Paul's church, in the city of Philadelphia, for the use of aged widows, communicants of the said church."

2. "An act declaring Big Mahoning creek, in Armstrong and Indiana counties, a public highway."

Whereupon,

The Speaker signed the said bills.

The bill presented for concurrence, was read the first time.

The amendments by the House of Representatives to the bill entitled, "An act to authorize Jacob Rudizell and George Karl, administrators of the estate of George Karl, deceased, to convey a part of a tract of land therein described to William Young," were read, as follow, *to wit*:

Section I. line 5, between the words "*deceased*," "*shall*," insert "*or the survivor of them*:" at the end of the same line, and beginning of line 6, strike out the words "*and required*." Line 17, make the same amendment as in line 5, after the word "*administrators*."

Preamble, line 1, strike out the words "*to the Legislature*." Line 8, strike out the word "*although*," and insert in place thereof, the word "*but*." Line 10, strike out the words "*to the Legislature*." Line 11, after the word "*made*," introduce "*and that all the parties interested, are desirous that the said contract should take effect*."

Title, after the word "*deceased*," insert "*or the survivor of them*."

The bill entitled, "*An act to enable Israel Roberts, John Ogden, and William Levis, junior, guardians of the minor children of Seth Pankoast, deceased, to sell and convey real estate therein mentioned*," was read the second time.

Whereupon,

The Senate resolved itself into committee of the

whole, (Mr. Sommer in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with the first section negatived.

The bill entitled, "*An act for the relief of the trustees of Northumberlandiana academy,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Pennell in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

A motion was made by Mr. Wayne and Mr. Brady, that the bill entitled, "*A supplement to an act entitled, 'An act directing the mode of settling accounts in the Land-Office, and to prevent frauds in obtaining warrants for land,'*" be now read the second time.

On which motion,

Mr. Roberts and Mr. Pennell required the Yeas and Nays.

Whereupon, after debate,

On the question, "*Shall the bill be now read the second time?*" being put, the Members voted as follow, to wit:

YEAS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Gress,
4. Mr. Harris,
5. Mr. Hiester,
6. Mr. Lattimore,

NAYS.

1. Mr. Blocher,
2. Mr. Heston,
3. Mr. Laird,
4. Mr. M'Arthur,
5. Mr. Mitchell,

YEAS.

7. Mr. Martin,
8. Mr. Mayer,
9. Mr. Rahm,
10. Mr. Rankin,
11. Mr. Slaymaker,
12. Mr. Wayne.

NAYS.

6. Mr. Pennell,
7. Mr. Roberts,
8. Mr. Sommer,
9. Mr. Vance,
10. Mr. Lane, *Speaker.*

Twelve Yeas and ten Nays; by which it appeared, that the question was determined in the affirmative.

Thereupon,

The said bill was read the second time.

Whereupon,

A motion was made by Mr. Roberts and Mr. Pennell, to refer the bill to a special committee.

The question on the motion being put, was determined in the affirmative.

Ordered, That Mr. Roberts, Mr. Wayne, Mr. Sommer, Mr. Brady, and Mr. Vance, be the committee.

Adjourned till 11 o'clock, Monday morning.

Monday, February 29, 1808.

Mr. Wayne presented the petition of the minister, church-wardens, and vestry-men of Trinity church, in Pittsburg, praying for an act authorizing them to raise by way of lottery, the sum of four thousand dollars, to enable them to finish their church and pay the debts contracted in building the same. And the said petition was twice read, and referred to Mr. Wayne, Mr. Martin, and Mr. Sommer, to consider and report thereon, by bill or otherwise.

The bill entitled, "*An act to dissolve the marriage of Jacob Mayer and Catharine his wife,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The Clerk of the House of Representatives presented an Extract from the Journal of that House; which was read, as follows, *to wit:*

"In the House of Representatives,

"February 27, 1808.

"Resolved, That the Clerk be directed to inform the Senate, that the House of Representatives have negatived the first section of the bill entitled, 'An act to fix the number of Senators, form the state into districts, and determine the portion to be allotted to each; also

to fix the number of Representatives for the city, and the several counties of the Commonwealth, in pursuance of the provisions of the constitution:’ and also, to transmit to Senate the returns of the taxable inhabitants, in possession of this house.”

The bill entitled, “*An act for the relief of the trustees of Northumberland academy,*” was read the second time as reported by committee of the whole, on the twenty-seventh instant, and considered by section.

The first and only section being under consideration :

A motion was made by Mr. Roberts and Mr. Pennell, to amend the section, by adding the following thereto, *viz.*

“And that the said trustees faithfully account and settle with the Comptroller and Register-Generals, for all monies they have received under the said act of January twentieth, one thousand eight hundred and four ; the amount of which monies shall be deducted out of the two thousand dollars hereby granted, and the remainder be paid as aforesaid ;” which was not agreed to.

Whereupon,

The Yeas and Nays on adopting the section, were required by Mr. Roberts and Mr. Pennell. And,

On the question being put, the Members voted as follow, *to wit :*

YEAS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Dorsey,
5. Mr. Gress,
6. Mr. Harris,
7. Mr. Hart,
8. Mr. Laird,
9. Mr. Lattimore,

NAYS.

1. Mr. Heston,
2. Mr. Hiester,
3. Mr. Mayer,

YEAS.

10. Mr. Martin,
11. Mr. McArthur,
12. Mr. Rahm,
13. Mr. Slaymaker,
14. Mr. Sommer,
15. Mr. Vance,
16. Mr. Wayne,
17. Mr. Lane, *Speaker.*

NAYS.

4. Mr. Pennell,
5. Mr. Rankin,
6. Mr. Roberts.

Seventeen Yeas and six Nays ; by which it appeared, that the question was determined in the affirmative.

The preamble and title being agreed to :

Ordered, That the said bill be prepared for the third reading.

The bill entitled, "*An act for the relief of John Cavanaugh,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Wayne in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

On motion of Mr. Vance and Mr. Pennell,

The information communicated this day from the House of Representatives, respecting the new representation of the people in General Assembly, was again read; and, together with the documents therein mentioned, referred to Mr. Vance, Mr. Sommer, Mr. Harris, Mr. Rankin, and Mr. Roberts, to consider and report thereon, by bill or otherwise.

The bill entitled, "*A further supplement to the act entitled, 'An act for raising county rates and levies,'*" was read the second time as reported by select committee (to whom it had been re-committed) on the fifth instant.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Pennell in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

Thereupon,

On motion of Mr. Roberts and Mr. Pennell, and by special order,

The said bill was considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

On motion of Mr. Sommer and Mr. Wayne,

The Senate resumed the consideration of the question on the passage of the bill entitled, "*An act for the education of children under a certain age,*" postponed for the present on the twentieth instant.

Whereupon,

The question, "*Shall this bill pass?*" recurring, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

Adjourned till 11 o'clock, to-morrow morning.

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*Tuesday, March 1, 1808.*

The Speaker laid before the Senate, a letter from Daniel Brodhead, (formerly Surveyor-General); which was read as follows, *to wit:*

*Lancaster, February 29, 1808.*

SIR,

I have seen with regret, certain land for which I have a mortgage and judgment, advertised for sale by the state-commissioners on the tenth day of next month. Wherefore, it has to me appeared proper, that I should inform the honorable the Legislature, that my claim to the premises will be asserted; and that in such case, the land so offered for sale will produce but a mere trifle, either to the state or to the individual. It is therefore humbly suggested, that an amicable suit should be instituted between the claimants, and the title tried by a jury of the vicinage.

The land is valuable; and if the clashing claim; were finally determined, would produce a considerable sum.

I have the honor to be,

With perfect respect,

Your most obedient humble servant,

DANIEL BRODHEAD.

Mr. Blocher presented the petition of Abraham Faith, a soldier in the revolutionary war; stating, That he enlisted in the year one thousand seven hundred and seventy-six, for three years, in the eighth Pennsylvania regiment; that he served faithfully, and was honorably discharged; that he served in the most perilous times, and suffered a full share of the hardships and fatigues incident to his situation; that he was paid in a depreci-

ated currency, and being now old and infirm, and having a large family, he prays relief. And the said petition was read, and

Laid upon the table.

Mr. Wayne, from the committee to whom was yesterday referred the petition of the minister, churchwardens, and vestry-men of Trinity church, in Pittsburg, on leave then given, reported the bill entitled, "*An act to raise by way of lottery, a sum not exceeding four thousand dollars for finishing a church in the borough of Pittsburg, in the county of Allegheny;*" which was read the first time.

Mr. Vance, from the committee appointed for that purpose yesterday, reported the bill entitled, "*An act to fix the number of Senators, form the state into districts, and determine the portion to be allotted to each; also to fix the number of Representatives for the city, and the several counties of the Commonwealth, in pursuance of the provisions of the constitution;*" which was read the first time.

Mr. Roberts, from the committee to whom was referred on the twenty-seventh of last month, the bill entitled, "*A supplement to an act entitled, 'An act directing the mode of settling accounts in the Land-Office, and to prevent frauds in obtaining warrants for land,'*" reported the said bill with amendments; which were read as reported.

Mr. Rahm, from the committee to whom was referred on the twenty-fourth of last month, the petition of the subscribers thereto, inhabitants of the borough of Harrisburg and its vicinity, on leave now given, reported the bill entitled, "*An act to authorize the Governor to incorporate a company to open a canal from Hunter's falls on the river Susquehanna, or the vicinity thereof, through or near the borough of Harrisburg, into the same river, and for establishing other water-works and machinery thereon;*" which was read the first time.

Mr. Hart, from the committee to whom was referred on the twenty-sixth of last month, the petition of the subscribers thereto, inhabitants of Bensalem township, Bucks county, on leave now given, reported the bill

entitled, "*An act erecting the township of Bensalem, in the county of Bucks, into a separate election district;*" which was read the first time.

Mr. Vance, from the committee of accounts, made further report, in part; and the same was read as follows, *to wit*:

That they have examined the accounts of George Bryan, Clerk of the Senate, since last settlement, (February eleventh) and the vouchers for the disbursement of the monies intrusted to him, and find, that he has expended the sum of thirty-six dollars eighteen and a half cents, more than he has received from the Senate, *viz.*

|                                                                                              |   |   |   |   |              |
|----------------------------------------------------------------------------------------------|---|---|---|---|--------------|
| Paid for books, under a resolution of last session,                                          | - | - | - | - | \$ 203 50    |
| Paid for do. under a resolution of the present session,                                      | - | - | - | - | 316 25       |
| Paid for two loads of wood and sawing,                                                       |   |   |   |   | 13           |
| Paid for several other small articles,                                                       |   |   |   | - | 3 43/4       |
|                                                                                              |   |   |   |   | <hr/>        |
|                                                                                              |   |   |   |   | 536 18 1/2   |
| Deduct warrant issued to the Clerk, February eleventh, one thousand eight hundred and eight, | - | - | - | - | 500          |
|                                                                                              |   |   |   |   | <hr/>        |
| Balance due the Clerk,                                                                       |   |   |   |   | \$ 36 18 1/2 |

The committee therefore offer the following resolution, *to wit*:

Resolved, That the Speaker draw his warrant on the State-Treasurer, in favor of George Bryan, Clerk of the Senate, for thirty-six dollars eighteen and a half cents.

Whereupon,

On motion of Mr. Mitchell and Mr. Vance,

The said resolution was again read, considered, and adopted. And a warrant was accordingly so drawn.

The bill entitled, "*An act for the relief of the trustees of Northumberland academy,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*A further supplement to the act entitled, 'An act for raising county rates and levies,'*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*An act for the relief of John Cavanaugh,*" was read the second time as reported by committee of the whole, yesterday, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "*An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house in Mayerstown, in the county of Dauphin;*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Pennell in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with the first section negatived.

The bill entitled, "*An act for the relief of the heirs of Christopher Walthour, senior, deceased;*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Laird in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

The amendments by the House of Representatives on the bill entitled, "*An act to authorize Jacob Rudizell and George Karl, administrators of the estate of George Karl, deceased, or the survivor of them, to convey a part of a tract of land therein described to William Young,*" read on the twenty-seventh of last month, were again read, considered, and concurred in.

Ordered, That the Clerk acquaint the House of Representatives thereof.

The bill entitled, "*A further supplement to the act entitled, 'An act to provide for the erection of a house for the employment and support of the poor in the county of Delaware,'*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Dorsey in the chair) for the further consideration thereof. And,

After some time,

The committee rose, reported progress, and asked leave to sit again; which was not granted.

Whereupon, on motion,

The said bill was referred to Mr. Pennell, Mr. Wayne, and Mr. Sommer, to consider and report thereon.

Adjourned till 11 o'clock, to-morrow morning.

~~~~~  
Wednesday, March 2, 1808.

Mr. M'Arthur presented the petition of James White, of Crawford county; stating, That he owns a lot of land containing one acre, within a quarter of a mile of the town of Meadville, on which he has erected the necessary buildings for a tanyard, and that he carries on that business; that, by an act of the Legislature, the several courts of quarter sessions west of the rivers Allegheny were authorized to appoint viewers, to view and lay out roads of such breadth as the said courts should direct, between the several places therein mentioned; that, in pursuance of said act, viewers were appointed, and laid out a road of one hundred feet wide, from Meadville, in the county of Crawford, to Waterford, in the county of Erie; which, if opened agreeably to the report of the viewers, will be productive of irreparable injury to the petitioner, by passing through that part of his lot, on which his business is carried on: he therefore prays relief. And the said petition was twice read, and referred to Mr. M'Arthur, Mr. Harris, and Mr. Lattimore, to consider and report thereon.

The petition of Abraham Faith, read yesterday, was

again read, and referred to Mr. Blocher, Mr. Slaymaker, and Mr. Gress, to consider and report thereon.

Mr Pennell, from the committee to whom was referred on the eighth of last month, the petition of the subscribers thereto, inhabitants of Connellsville, in the county of Fayette, on leave now given, reported the bill entitled, "*A supplement to an act entitled; An act to erect the town of Connellsville, in Fayette county, into a Borough;*" which was read the first time.

Mr. Pennell, from the committee to whom was referred on the first instant, the bill entitled, "*A further supplement to the act entitled, 'An act to provide for the erection of a house for the employment and support of the poor in the county of Delaware,'*" reported the said bill with amendments; which were read as reported.

The bill entitled, "*An act for the relief of John Cavanaugh,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*An act for the relief of the heirs of Christopher Walthour, senior, deceased,*" was read the second time as reported by committee of the whole, yesterday, considered by section, and agreed to.

Ordered, That the said bill be prepared for the third reading.

The bill entitled, "*An act to enable the administrators of Peter Ankeny, late of the county of Somerset, deceased, to convey certain lots of ground in the borough of Somerset, to the purchasers thereof,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Rahm in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the said bill without amendment.

The bill entitled, "*An act to alter the time of holding the fairs in the borough of Carlisle, in the county of Cumberland,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Wayne in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

On motion of Mr. Hart and Mr. Pennell, and by special order,

The said bill was considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "*An act to fix the number of Senators, form the state into districts, and determine the portion to be allotted to each; also to fix the number of Representatives for the city, and the several counties of the Commonwealth, in pursuance of the provisions of the constitution,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Hart in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

The Clerk of the House of Representatives presented an Extract from the Journal of that House; which was read, as follows, *to wit*:

"*In the House of Representatives,*

"*March 1, 1808.*

"The resolution from the Senate, relative to the adjournment of the Legislature, read the twenty-sixth ultimo, was again read, amended, and adopted; as follows, *viz.*

"Resolved, That the Legislature will adjourn on Monday, the twenty-eighth instant, without day."

Whereupon,

On motion of Mr. Sommer and Mr. Laird,

The said resolution was again read. And,

Being under consideration:

A motion was made by Mr. Hart and Mr. Pennell, to postpone the further consideration thereof, for the present; which was not agreed to.

Thereupon, after debate,

The Yeas and Nays on concurring the resolution as amended by the House of Representatives, were required by Mr. Vance and Mr. Laird. And.

On the question being put, the Members voted as follow, *to wit* :

YEAS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Heston,
7. Mr. Laird,
8. Mr. Lattimore,
9. Mr. Mayer,

NAYS.

1. Mr. Hart,
2. Mr. Hiester,
3. Mr. Martin,

YEAS.

10. Mr. M'Arthur,
11. Mr. Rahm,
12. Mr. Rankin,
13. Mr. Roberts,
14. Mr. Slaymaker,
15. Mr. Sommer,
16. Mr. Wayne,
17. Mr. Lane, *Speaker*.

NAYS.

4. Mr. Mitchell,
5. Mr. Pennell,
6. Mr. Vance.

Seventeen Yeas and six Nays; by which it appeared, that the question was determined in the affirmative.

Ordered, That the Clerk acquaint the House of Representatives thereof.

On motion of Mr. Vance and Mr. Mitchell,

The following resolution was twice read, considered, and adopted, *to wit* :

Resolved, That the Speaker draw his warrant on the State-Treasurer, in favor of George Bryan, Clerk of the Senate, for three hundred dollars, to enable him to defray the contingent expences thereof; he to be accountable therefor.

Whereupon,

A warrant was accordingly so drawn.

The bill entitled, "*An act for the relief of John Morris,*" was read the second time as reported by committee of the whole, and considered by section.

The first and only section being under consideration :

The question on agreeing thereto, being put, was determined in the negative.

And so the bill was lost.

Adjourned till 11 o'clock, to-morrow morning.

Thursday, March 3, 1808.

Mr. Roberts presented the petition of Jonathan Guy, of the county of Montgomery; stating, That he served his country six years in her revolutionary contest with Great Britain; that he received several wounds, the effects of which, with the infirmities of old age, render him unable to obtain a livelihood by manual labor: he therefore prays a pension. And the said petition was twice read, and referred to Mr. Roberts, Mr. Pennell, and Mr. Hart, to consider and report thereon.

Mr. Campbell presented the petition of John Mullooney, of the borough of Lancaster; stating, That he served in the American army, in the revolutionary war, from June, one thousand seven hundred and seventy-five, to January, one thousand seven hundred and eighty-one; that he suffered all the hardships which were incident to the most active, in the support of the independence of his country; and, as he is far advanced in age, infirm in health, and incapable of earning a livelihood, he therefore prays relief. And the said petition was twice read, and referred to Mr. Campbell, Mr Lattimore, and Mr. Rankin, to consider and report thereon.

Mr. Dorsey, from the committee to whom was referred on the fifth December last, the sixth item of the report of unfinished business, *to wit*, "*on the subject of weights and measures*," made report, as follow:

That, as the subject is of a matter which requires a lengthy detail of explanation, in order to a right understanding of the bill which the committee herewith report, (agreeably to leave) they have deemed it to be their duty to submit to the consideration of Senate, with the bill, the following remarks:

The committee find, the state and condition of the weights and measures, and as regulators, by which the weights and measures for general use are adjusted, the mode of regulation, the laws respecting the same, and the usages which obtain, to be as follow:

There are in the city of Philadelphia, two offices of regulation; one for measures of the dry kind, and the

other for measures of the wet kind, and weights. The former office contains an ancient copper or brass half-bushel, which is by some supposed to have been brought from England by William Penn, or Nathaniel Allen, and further supposed to be the same which is mentioned in the law of one thousand seven hundred. At this time, however, there is no certainty, as there are no discoverable marks of British regulation, as is by the said law required; the marks are B. N. E. In two places it is coarsely made, the diameters and bottom unequal and irregular, is bruised and patched, and does not agree in its contents with the Winchester bushel, as will hereafter be shewn. This office also contains a cast brass four quart standard, and a cast brass two quart standard, both marked with the letters W. R. and a crown stamp, and evidently appear to be of those imported in pursuance of the directions of the said Act of one thousand seven hundred. The latter office contains a cast brass quart standard, and a cast brass pint standard, both stamped, and evidently of the set imported as before mentioned. Being thus stamped, they are by the aforesaid law made legal, although they do not agree with the Winchester standard. There are also in this office a copper half-gallon and a copper quart, intended for the regulation of wine measures, and an Iron yard or three feet measure of extension, without known accuracy; neither of these three have any evidence of regulation or legal stamp. This office likewise contains a number of brass weights in gradation from the fifty-six pounds weight, to the half-ounce, which generally bear the appearance of having been imported in pursuance of the aforesaid law, having the stamps of the mural crown, the letter C. and the dagger †; which are evidences of the city of London regulation. They do not bear the due and relative proportion each to the other, especially in the smaller weights; nor can it be expected after such length of use; when last tried, the pound and aggregate ounces varied nearly an ounce. As regards the standard, for Troy-weight, by which the precious metals are assayed and determined, there are none; and, so far as can be discovered, there never have been any. The larger and gross-weights, are also irregular; and, as there

is no determinate unit of weight from which to proceed, there can be no accuracy.

In the admeasurement of sea or stone coal, the article by law is subject to the same regulations as grain and salt; which regulations are, that the same shall be stricken. Coal however from usage is not stricken; and the two bushel measure, as it is called, when filled nearly even with the top in the manner which is called stricken measure, contains five half-bushels; the latter half-bushel of which is as an allowance for heaping; and this mode by experience is deemed necessary. Heaping is generally understood to be as much as can be piled or put on, without holding. Large stone coal then can be by address, piled so high, as that the quantity on the top, will be twice as much as can be put in the body of the measure; while the same article of a smaller or finer kind, cannot be piled on more than will equal a fifth part of the quantity contained in the same body or measure. To avoid therefore the endless perplexities of the sworn measures, caused by the impatience or supposed wrongs of the buyer or seller, especially in large quantities or cargoes, the foregoing method was taken. It goes however to shew the perfect absurdity of heaping; inasmuch as that, after all attempts at regularity, they have been constrained to return to the original mode—the stricken measure. The having of various units or sources for weights or measures, is a just cause of complaint; inasmuch as that thereby constant opportunities for wrong are afforded, which in their operation generally affect a class of society, who are least able to sustain the injury. These happen most frequently in articles of the first necessity; and the practice is predicated on a supposed want of knowledge of the various kinds of weights and measures, combined with their more various usages.

Purchasing by	{	Dry measure heaped,	{	And selling by	{	Dry measure stricken,
		Double measure,				Liquid measure heaped
		The beer gallon,				Single measure,
		The gross hundred,				The wine gallon,
		one hundred & twelve pounds,				The nett hundred, one hundred pounds,
		The avoirdupois p nd of sixteen ounces,				The apothecaries p nd , of 12 ounces, or troy.

Are among the modes adopted by the smaller class of dealers, for the purpose of an unfair profit. The committee are therefore of opinion, that there should be but one unit standard, or source, for measures of extension; one unit standard, or source, for measure of capacity; and one unit standard, or source, for weight; one office or regulation for each county, one mode of measurement by measures of capacity, *to wit*, strike; and one mode of weighing, *to wit*, the nett hundred.

These are all which are necessary; and more then these will ever tend to the evils and inconveniencies already pointed out.

In order to shew the safety and simplicity of this hypothesis of three original units, it will be necessary to bring into view the laws of Great Britain, from which our laws and usages have been derived, the authorities for the legal or actual weights and measures now in use, and such other data as are deemed elucidatory; it may be well also to shew the ill effects of a contrary system, *viz.* a plurality of units of weights for articles of the same kind, or nature, which system has occasionally pervaded every nation in a greater or less degree. Some of these are as follow:

In Grand Cairo (Egypt) the weight or unit of trade is a candarine, of which they have different ones for almost every article—instance: A candarine of ivory, is one hundred rotels, (or nearly common pounds); of dye-stuffs, one hundred and thirty; of coffee, wine, or iron, one hundred and fifty; of oil, and some liquids, (liquids in the eastern countries being sold by weights, as they seldom use measures of capacity) one hundred and twelve.

In Hamburg, and other parts of Holland, they have several customary pounds; their general weight is called troy: it is, however, not exactly the same as the troy of England. They have also their apothecaries' pound, and their arsenic pound; the latter of which is equal to three of the apothecaries' pounds.

In France, previous to the late revolution, almost every province had its peculiar weight and measure. Their aunes, or ells; their lime bushel, salt bushel, and plaister bushel, being all variant.

The Magna Charta of Great Britain, in the year one

thousand two hundred and twenty-five, enjoins, that “one measure of wine, and oil, and corn, shall be throughout the realm; *that is to say*, the quarter of London; and it shall be of weights, as it is of measures.” This law was confirmed in almost every succeeding reign for several centuries, and, in some instances, in almost every year of such reign; and also by the sentence of the Bishop’s “curse on the breakers of Magna Charta, or any part thereof.”

By the thirty-first of Edward the First, one thousand three hundred and two, “An English *peny*, which is called the sterling, round without any clipping, shall weigh XXXII grains of wheat, well dried and gathered out of the middle of the ear; and XX pence make an ounce, and XII ounces make a pound, and VIII pounds make a gallon of wine, and VIII gallons of wine make a bushel of London, which is the VIIIth of a quarter.”

The statute of the fourteenth of Edward the Third, one thousand three hundred and forty, confirms Magna Charta, and the preceding.

The statute of the eleventh and twelfth of Henry the Seventh, in the years one thousand four hundred and ninety-four and five, confirms Magna Charta, and orders just standards to be sent throughout the kingdom.

Other statutes, tending to the same object, of an original source for weights and measures, were at many periods afterwards enacted, but nevertheless without due effect; the deviations were frequently caused by the inaccuracies of the officers, whose duty it was to cause to be made and adjusted the proper standards, but more frequently in consequence of ancient usages. An instance of such neglect of trust and duty, will appear by reference to the statute of the seventh of Henry, one thousand four hundred and ninety-four. Complete sets of standards, in virtue of that statute, were sent throughout the realm, and deposited in the market towns therein pointed out. It was presently discovered that the whole of their standards were incorrect; and a law was made in the succeeding year, calling them in, and causing them to be “dampened and broken,” and other standards to be made out of the materials thereof,

and to be issued in their places :'' this law, from remissness again, was but partially carried into effect. The sealed gallon of Guildhall, for wines, oils and spirits, was supposed to contain two hundred and thirty-one cubic inches ; but, by experiment before the lords commissioners of excise, in one thousand six hundred and eighty-eight, it was found to contain only two hundred and twenty-four cubic inches : it was nevertheless determined to continue the supposed two hundred and thirty-one inches.

By the statute of William the Third, one thousand six hundred and ninety-seven, the standard bushel for the collection of the malt-tax, was ordered to be a cylindrical vessel of eighteen inches diameter, and eight inches in depth, and was intended to be the same as the Winchester bushel ; on examination it was found to be less : it was however continued.

The power of custom in opposition to laws, is strongly instanced in the admeasurement of the English acre. The legal acre, at least as early as the first Edward, one thousand three hundred and six, has always been composed of one hundred and sixty perches, of sixteen and an half feet each ; nevertheless, in many counties in England, the perch to this day varies from sixteen and an half, to twenty-eight feet ; and the legal assessment and the taxes yield to such custom.

At the present time, the British have three various standard gallons—the wine, the corn, and the beer ; although their Magna Charta grants but one. They have also two various standard units of weight—the avoirdupois pound of sixteen ounces, and the troy pound of twelve. The former containing seven thousand troy grains, the latter five thousand seven hundred and sixty of said grains. Apothecaries compound their medicine by the latter, and purchase by the former. The pharmacopias state fatal effects from the compounding in quantities, drugs or medicines in which arsenic, or the mercurial preparations preponderate by error or confusion of these weights. Measures for ale, compared with those of beer, are also variant. Of the former, the firkin is sixty-four pints, the kilderkin one hundred and twenty-eight, the barrel two hundred and fifty-six, and the

hogshead five hundred and twelve pints. Of the latter, the firkin is seventy-two pints, the kilderkin one hundred and forty-four, the barrel two hundred and eighty-eight, and the hogshead five hundred and seventy-six pints. Their clove of wool is seven pounds, whilst their clove of cheese and butter is eight pounds; these again varying in particular instances.

In Scotland, the plurality of units for things of the same kind, is even more peculiar. The pound of beef in Edinburgh, is seventeen ounces and a half; in Glasgow, twenty-two ounces. The navy hundred weight, one hundred and twelve pounds; the common hundred weight, one hundred and eight pounds; and the nett hundred weight is one hundred pounds. The pound of butter in Edinburgh, is twenty-two ounces; and in Kelso, a neighboring town, twenty-four ounces. Scots cheese is sold by the pound of twenty-two ounces, at the same time and place where English cheese is sold by the pound of sixteen ounces. Salt is sold in the morning by the measure, at the same place where it is sold in the evening by weight. Wheat and barley are sold by variant firlots, or bushels; the dimensions of the former of which are so indeterminate, as to have been the object of an inveterate law-suit for eighteen years, involving alternate success and renewal. But it would be uninteresting further to detail the local habits, prejudices, errors, and ills, which must ever be the concomitant of a plurality of units for articles of the same kind; it is however necessary to bring into view, the actual standards which at present exist in Great Britain, because from these are derived all of ours which are sanctioned by law.

Standard Dry Measures of Great Britain.

The Bushel	$\left\{ \begin{array}{l} \text{Of Magna Charta, in the year one thousand} \\ \text{two hundred and twenty-five, and con-} \\ \text{firmed by Edward the First, one thousand} \\ \text{three hundred and two; the act in force,} \\ \text{but the measure not known, unless it is} \\ \text{the one of the fifth Anne, contains,} \end{array} \right\}$	<i>English</i> <i>cubic</i> <i>Inches.</i> 1,848
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Standard Dry Measures of Great Britain.

		English cubic Inches.
The Bushel	{ Of Henry the Seventh, one thousand four hundred and ninety-four, with copper rim, in the Exchequer, contains,	2,224
	Of do. without rim, in do. -	2,124
	{ Of Elizabeth, one thousand six hundred and one, for corn, marked E. in Exchequer,	2,122
	{ For corn, dated one thousand and ninety-one, (supposed for one thousand five hundred and ninety-one, or one thousand six hundred and one) called <i>The Old Rufus</i> ,	2,124
	Of Winchester usage, - -	2,178
	{ For malt-tax of one thousand six hundred and ninety-seven, a cylindrical vessel of eighteen and a half inches in diameter, equal top and bottom, and eight inches in depth, intended to be the same as the Winchester bushel, but containing,	2,150
	{ Of fifth Anne, one thousand seven hundred and ten, at Guildhall,	1,848
	Of twelfth Anne, for coals, at do. -	2,217
	{ Of usage for coal at London, nineteen inches diameter at top, fifteen inches and four-tenths at the bottom, and ten inches and four-tenths deep,	2,387
	{ Of usage of sixty-four avoirdupois pounds of good wheat from the middle of the ear, well dried,	2,256

Standard Liquid Measures of Great Britain.

		Gallon of Cubic Inches.	Bushel of Cubic Inches.
The Gallon	{ Of Magna Charta, one thousand two hundred and twenty-five, and confirmed by Edward the First, one thousand three hundred and two,	231	= 1,848

Standard Liquid Measures of Great Britain.

		<i>Gallon of Cubic Inches.</i>	<i>Bushel of Cubic Inches.</i>
The Gallon	{ The Rumford (ancient) of one thousand two hundred & twenty-eight, examined by the commissioners of excise,	226	$25 = 1810$
	{ Of Elizabeth, one thousand six hundred and one, marked E. in Exchequer,	271	$= 2168$
	{ For corn, dated one thousand six hundred and one, notwithstanding which, it is said to be of Henry the Seventh, in Exchequer,	270	$= 2260$
	{ Of Elizabeth, marked F. E. in the Exchequer,	269	$= 2152$
	{ For wine, oil, and spirits, sealed, and in Guildhall, supposed to hold two hundred and thirty-one inches; but, on experiment before the lords commissioners of excise in one thousand six hundred and sixty-eight, was found to contain (nevertheless it was agreed to continue two hundred and thirty-one) but	224	$= 1792$
	{ Winchester—three were measured in one thousand six hundred and eighty-eight as aforesaid, for the seaports, each	272	$1.4 = 2178$
	{ Of fifth Anne, one thousand seven hundred,	231	$= 1848$
	{ Of usage of eight avoirdupois pounds wheat dried, &c.	282	$= 2256$
	{ Of Magna Charta & Edward the First,	57	$3.4 = 231 = 1848$
	{ Of Elizabeth, one thousand six hundred and one, in Exchequer,	70	$= 280 = 2240$
The Quart	{ Rumford (ancient) examined by said commissioners,	66	$= 264 = 2256$
	{ Of usage of two avoirdupois pounds dried wheat,	70	$1.2 = 282 = 2256$

Standard Liquid Measures of Great Britain.

		Gallon of Cubic Inches.	Bushel of Cubic Inches.
The pint	Of Magna Charta and Edward the First,	28 7-8	=231=1848
	Of Elizabeth (two) one thousand six hundred and one and one thousand six hundred and two, in Exchequer, each,	34 1-2	=276=2208
	Of usage of one pound avoirdupois wheat dried,	35 1-4	=282=2256

The general Measures of Capacity in Great Britain, however, are :

	<i>English cubic Inches.</i>		<i>Said Inches.</i>
The wine pint of -	{ 28 7-8 35 1-4 33 3-4 34 1-32 }	The gallon of which would equl.	{ 231 282 270 272 1-4 }
The ale or beer pint of			
The dry pint of -			
The Winchester pint of			
The wine pint of -	{ The bushel of which would equl. }	{ 1,848 2,256 2,160 2,170 }
The ale or beer pint of			
The dry pint of -			
The Winchester pint of			

The Scots pint contains in reality, one hundred and three and a half English cubic inches; but, inasmuch as that it has from long usage been supposed to contain one hundred and five such inches, the latter has been continued: therefore,

Twenty-one and a quarter Scots pints, of one hundred and five English cubic inches, make the wheat firlof or bushel of, 3,255

Thirty-one ditto, make the barley firlof of, 3,255

The actual standards for measure or capacity, for Pennsylvania, which, to be lawful, must be derived from the English part of the preceding, are as follow:

A copper or brass half-bushel, marked B. N. E. and said to have been brought into this country by

William Penn, and also said to be the same which is mentioned in the law of one thousand seven hundred; which, by the best measurement that can be taken—it being bruised and of an irregular form—contains one thousand one hundred and thirteen nine-tenths cubic inches, which is equal to the bushel of English cubic inches, 2227 8-10

A cast brass gallon standard,

marked  W. R. probably in-

tended for the Winchester mark, $\frac{6630}{275} = \frac{3040}{2205}$

A cast brass half-gallon standard,

same mark, $\frac{69}{137} = \frac{04}{2203}$

A cast brass quart standard, same mark,

$\frac{71 \frac{1}{4}}{2280}$

A coal-tub of usage, intended for two bushels, which contains, stricken, five half-bushels, or about two thousand six hundred and eighteen English cubic inches and three hundred and seventy parts of a thousand. And,

A standard for lineal measures, is an iron rod of about three feet in length, one inch in width, and one quarter of an inch in thickness; the accuracy unascertained, and without legal stamp or mark.

The standard of Great Britain for lineal measure, is, by a report of a committee of the House of Commons, one thousand seven hundred and fifty-eight, and fifty-nine, stated to be a brass rod, three feet in length, supposed to have been made in the time of Henry the First, one thousand one hundred and ten; it is in the custody of the chamberlain of his majesty's exchequer, is coarsely made, and the divisions not exact. This ancient original is now seldom used, the Royal Society having, by authority, caused one to be made of the exact length of the original—of superior workmanship, and greater accuracy, as regards the form and divisions; which standard is by that society kept, and is the accurate mode by which is adjusted all the other standards. The legal perch and legal acre, by which are held all the landed estate throughout the king-

dom, from the time of their earliest laws, are derived from this measure. It is said to be the Ancient Ulna, or Aune, and to have origin as early as the time of Ethelbert, first Christian king of Kent, who reigned from the year five hundred and sixty-one, to six hundred and sixteen; and that Henry recognized, adopted, and established it, in preference to a longer aune, because it happened to be of the length of his arm.

From Great Britain, this standard reached America, at the period of the earliest English settlement, has been continued ever since; and, at this day, countless millions of value in real or landed estate, is held and determined by its multiple of perches and acres, and its division of feet and inches.

It has long been a desideratum with philosophers and nations, to establish an accurate and universal standard which could be easily resorted to at any time, and in any climate. To effect this object, innumerable inventions have been suggested; but as yet, with little prospect of success. Matter, by means of a measurement of a portion of the meridian of the earth; and Motion, by means of a pendulum, which should, in a certain degree of latitude, vibrate equal seconds, have been the most plausible. The present French system is an attempt at the former, and is as follows: the metre is the forty-millionth part of a meridian of the earth, which, by the last measurement in France, is supposed to be equal to thirty-nine, and the three thousand seven hundred and two parts of ten thousand English inches; this is the unit of measure of extension. The litre, is a cube whose side is the tenth part of a metre, and is computed to be sixty-one, and the two hundred and forty-second part of ten thousand English cubic inches; this is the unit for measures of capacity. The gramme, is the weight of a cube of distilled water, the side of which is the one hundredth of a metre; this is the unit of weight. The stère, for fuel, is computed to be thirty-five, and the thirty-one thousand four hundred and sixty-seventh part of one hundred thousand English cubic feet; and the acre, for land, is the square of one hundred square metres.

From the established character of the French mathe-

maticians, there is reason to believe that all care has been taken to have the system as accurate as possible.

This accuracy, however, is doubted by an opposing nation; and large and expensive volumes have been written and published in support of the principle and its accuracy. The triangles are laid down and explained by a great variety of charts or maps: these, (one quarto volume excepted) together with the units of actual weights and measures founded thereon, have reached this country, and are near the seat of state Legislation.

Whether this system, or some other of superior merit, will, or can ever obtain, is a question too indeterminate longer to retard wholesome regulations, which are daily required of the constituted authorities. Should such system obtain, it will possess advantages; should it not, it will most probably be from some of the following reasons:

First. Innovation on long established habits.

Second. Jealousy of one nation being dictated to by another.

Third. Incomprehensibility of the general mass of mankind. And,

Fourth. Invasion of the legal rights of possession of all landed estate, the source of life, health, and local happiness, by an attempt to substitute a variant unit for its admeasurement, in the place of that by which it has been held in its most ancient tenure, thereby changing its integer or acre.

As regards the transient and perishable articles of daily consumption, a change would be less important. It is of little consequence whether the gallon shall contain two hundred and thirty-one or two hundred and eighty-two cubic inches, or that the pound shall be sixteen or twelve ounces; inasmuch as they only go to determine the quantity of that which is sold or consumed, and is no longer known; but it is of every consequence that the unit by which is held and admeasured all landed, and, of course, all the imperishable estate of a nation descended from earliest generation, should continue unalterable and inviolate. It is also of the first consequence, that every nation should have its own complete establishment founded on the best princi-

ples; but it is not of equal moment, whether any two nations agree in having the same unit: because a table of the relative proportions will instantly shew the quantity, according to the mode in any country. If this idea is safe, it goes far to abate the necessity of any universal standard; inasmuch as, that, if ever such standard can be established, the unit of measure must be marked thereon, and considered as bearing a relative proportion thereto; otherwise all landed titles would be annihilated. It then follows, that such standard would be little other than a table of relative proportions; because no nation could agree to change the unit which governs the acre.

This research, and these conclusions, then bring the committee to the following result:

That, instead of looking for new or foreign systems, it is better to correct and confirm that which is known; banishing at the same time all obtruseness, so that our native system may appear to its due advantage.

And this is most readily in the power of legislative authority, by the adoption of a principle well known and admitted. It is this: That a measure of capacity, which will, contain an exact cubic English foot, will if filled with pure or distilled water at the sixtieth degree of Fahrenheit's thermometer, the water therein will weigh one thousand avoirdupois ounces. If then the foot measure is divided into tenths or decads, we obtain just one thousand such cubic decads (or tenths) of water, each of which will weigh an avoirdupois ounce; ten whereof will give the unit or weight; ten whereof will also give the unit or measure; and ten whereof will give our common foot. These, being each commensurate with the other, will individually be a test for the adjustment of the remaining two. A principle more safe in the opinion of the committee, than the hypothesis on which the weights and measures of Great Britain are founded: *viz.* That "thirty-two or twenty-four grains of wheat, well dried and gathered from the middle of the ear," shall, in their multiple, give the pound; or that three barley corns shall, in their multiple, give the foot; inasmuch as, that the size of the grain must always be according to the soil, or mode of cultivation.

The bill reported by Mr. Dorsey, entitled, "*An act establishing weights and measures, and authorizing the regulation of those which shall hereafter be used,*" was read the first time.

Ordered, That the usual number of copies of the said report, together with the bill, be printed in pamphlet form, for the use of the Members.

The bill entitled, "*An act for the relief of the heirs of Christopher Walthour, senior, deceased;*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*An act to alter the time of holding the fairs in the borough of Carlisle, in the county of Cumberland,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, That Senate have passed the said bill without amendment.

The bill entitled, "*An act to enable the administrators of Peter Ankeny, late of the county of Somerset, deceased, to convey certain lots of ground in the borough of Somerset, to the purchasers thereof,*" was read the second time as reported by committee of the whole yesterday, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "*An act to fix the number of Senators, form the state into districts, and determine the portion to be allotted to each; also to fix the number of Representatives for the city, and the several counties of the Commonwealth, in pursuance of the provisions of the constitution,*" was read the second time as reported by committee of the whole yesterday, and considered by section.

Section I. being under consideration :

A motion was made by Mr. Harris and Mr. Sommer, to amend the ratio on which the people shall be

represented in Senate, from "*four thousand five hundred,*" to *five thousand four hundred,*" and to form the state into districts agreeably thereto.

On which motion,

The Yeas and Nays were required by Mr. Wayne and Mr. Heston.

Whereupon, after debate,

On the question being put, the Members voted as follow, *to wit* :

YEAS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Gress,
4. Mr. Harris,
5. Mr. Heston,
6. Mr. Lattimore,

NAYS.

1. Mr. Blocher,
2. Mr. Dorsey,
3. Mr. Hart,
4. Mr. Hiester,
5. Mr. Laird,
6. Mr. Martin,
7. Mr. M'Arthur,

YEAS.

7. Mr. Mayer,
8. Mr. Slaymaker,
9. Mr. Sommer,
10. Mr. Wayne,
11. Mr. Lane, *Speaker.*

NAYS.

8. Mr. Mitchell,
9. Mr. Pennell,
10. Mr. Rahm,
11. Mr. Rankin,
12. Mr. Roberts,
13. Mr. Vance.

Eleven Yeas and thirteen Nays; by which it appeared, that the question was determined in the negative.

The section was adopted.

The remaining sections, with the title, having been agreed to :

Ordered, That the said bill be prepared for the third reading.

The bill entitled, "*A supplement to an act entitled, 'An act directing the mode of settling accounts in the Land-Office, and to prevent frauds in obtaining warrants for land,'*" was read the second time as reported by select committee on the first instant.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Hart in the chair) for the further consideration thereof. And,

After some time,

The committee rose, reported progress, and had leave to sit again to-morrow.

On motion of Mr. Wayne and Mr. Hart,
Agreed, That, for the remainder of the session, (unless otherwise directed) Senate will meet at 10 o'clock in the morning.

Adjourned till 10 o'clock, to-morrow morning.

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*Friday, March 4, 1808.*

Mr. Harris presented the petition of the subscribers thereto, inhabitants of the county of Clearfield; stating, That, by an act of the twenty-sixth of March, one thousand eight hundred and four, three commissioners (appointed by the Governor) were authorized and directed to mark the boundary lines of the new counties erected from the counties of Lycoming, Huntingdon, and Somerset; that the allowance to said commissioners is two dollars per mile, which the petitioners state to be inadequate to the nature of the service: they therefore pray an increase of compensation for the said commissioners. And the said petition was read, and

Laid upon the table.

The bill entitled, "*An act to fix the number of Senators, form the state into districts, and determine the portion to be allotted to each; also to fix the number of Representatives for the city, and the several counties of the Commonwealth, in pursuance of the provisions of the constitution,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*An act to enable the administrators of Peter Ankeny, late of the county of Somerset, deceased, to convey certain lots of ground in the borough of Somerset, to the purchasers thereof,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, That Senate have passed the said bill without amendment.

A motion was made by Mr. Vance and Mr. Roberts, to discharge the order of the day for the further consideration in committee of the whole, of the bill entitled, "*A supplement to an act entitled, 'An act directing the mode of settling accounts in the Land-Office, and to prevent frauds in obtaining warrants for land;'*" (for the purpose of discharging the committee of the whole, and re-committing the said bill to a select committee) which was not agreed to.

Whereupon,

The Senate resumed, in committee of the whole, (Mr. Hart in the chair) the consideration of the said bill. And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

The Secretary of the Commonwealth presented a message from the Governor; which was read as follows, *to wit*:

*"To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

"GENTLEMEN,

"AGREEABLY to a request of his Excellency William H. Cabell, esquire, Governor of the State of Virginia, I submit to the respective Houses, copies of a resolution of the General Assembly of that State, proposing that the Constitution of the United States shall be so amended, That the Senators in the Congress of the United States may be removed from office, by the vote of a majority of the whole number of the Members of the respective State Legislatures by which the said Senators have been, or may be appointed; together with a copy of the Governor's letter.

"THOMAS M'KEAN.

*"Lancaster, March 4, 1808."*

The documents accompanying the same were also read, as follow, *to wit*:

[CIRCULAR.]

RICHMOND, February 22, 1808.

SIR,

I have the honor to transmit you herewith, a resolution of the General Assembly of the State of Virginia, proposing that the Constitution of the United States shall be so amended, "That the Senators in the Congress of the United States may be removed from office, by the vote of a majority of the whole number of the Members of the respective State Legislatures by which the said Senators have been or may be appointed;" and to request, that you will be pleased to lay the same before the Legislature of the State over which you preside.

I am, with great respect,

Sir,

Your most obedient servant,

WILLIAM H. CABELL.

*His Excellency the Governor }  
of Pennsylvania. }*

"Resolved, That our Senators in the Congress of the United States be instructed, and our Representatives requested, to endeavor to obtain the following amendment to the Constitution of the United States, *to wit*:

"That the Senators in the Congress of the United States may be removed from office, by the vote of a majority of the whole number of the Members of the respective State Legislatures, by which the said Senators have been or may be appointed.

"January 13, 1808. Agreed to.

"ROBERT TAYLOR, S. S.

"HUGH NELSON, S. H. D.

"A true copy.

"Test.

"J. PLEASANTS, junior,

"Keeper of the Rolls."

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"Resolved, That the Governor be requested to transmit to the Senators and Representatives of this State in Congress, and to the Governors of the other States, a copy of the resolution adopted by this present General Assembly, proposing an Amendment to the Constitution of the United States.

"February 9, 1808. Agreed to by the House of Delegates,

"JAMES PLEASANTS, jun. C. H. D.

"February 9, 1808. Agreed to by the Senate,

"THEO. HANSFORD, C. S.

"A true copy.

"Test. J. PLEASANTS, jun.

*Keeper of the Rolls."*

The bill entitled, "*A further supplement to the act entitled, 'An act to provide for the erection of a house for the employment and support of the poor in the county of Delaware,'*" was read the second time as reported by select committee on the second instant.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. M'Arthur in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

The bill entitled, "*An act granting an annuity to Thomas Snowden,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Vance in the chair) for the further consideration thereof. And,

After some time,

The committee rose, reported progress, and had leave to sit again to-morrow.

Adjourned till 10 o'clock, to-morrow morning.

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## Saturday, March 5, 1808.

The Speaker laid before the Senate, a report of the Comptroller-General of the contingent expences of that office, "*for the last twelve months, ending with the twenty-ninth of February last.*" And the same was read, and

Laid upon the table.

Mr. M'Arthur presented the memorial of the com-

missioners of Crawford county; stating, That, at the May term of the court of quarter sessions, one thousand eight hundred and six, a certain person (a female) was indicted and convicted of robbing a certain Roderick Frazier, junior, and was sentenced to confinement for six months, to restore the property stolen, to pay a fine to the Commonwealth equal to the goods stolen, and to stand committed till the whole of the sentence be complied with; that, in virtue of the sentence, said person remains in confinement, being unable to pay the fine or restore the goods, and the prosecutor will not consent to her liberation; in consequence of which, the county is subjected to a heavy expence for the maintenance of the said convict: they therefore pray relief. And the said memorial was twice read, and referred to Mr. M'Arthur, Mr. Mayer, and Mr. Blocher, to consider and report thereon.

Mr. Dorsey presented the memorial of A. Bouchicre, of the city of Philadelphia, sugar refiner; stating, That he has made considerable improvements in that business; that he contemplates the erection of a refinery at Pittsburg, to improve the maple sugar—and another at Philadelphia, for the refinement of sugar from the cane; but as the establishment will require a much larger capital than he can command, he therefore prays permission to raise by way of lottery the sum of thirty thousand dollars to enable him to accomplish an object so beneficial to the state of Pennsylvania. And the said memorial was twice read, and referred to Mr. Dorsey, Mr. Martin, Mr. Harris, Mr. Vance, and Mr. Sommer, to consider and report thereon.

Mr. Wayne, from the committee to whom was referred on the nineteenth of last month, the bill entitled, "*An act to afford immediate relief to James Waters, a soldier during the revolutionary war, and to grant him an annuity,*" reported the said bill without amendment.

The bill entitled, "*A further supplement to the act entitled, 'An act to provide for the erection of a poor-house for the employment and support of the poor in the county of Delaware,'*" was read the second time as reported by committee of the whole yesterday, and considered by section.



Section I. being under consideration :

A motion was made by Mr. Wayne and Mr. Pennell, to postpone the same for the present, in order to introduce that struck out in committee of the whole.

On which motion,

Mr. Heston and Mr. Laird required the Yeas and Nays ; and,

On the question being put, the Members voted as follow, *to wit* :

#### YEAS.

1. Mr. Campbell,
2. Mr. Hiester,
3. Mr. Lattimore,
4. Mr. Pennell,

#### NAYS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Hart,
7. Mr. Heston,

#### YEAS.

5. Mr. Rankin,
6. Mr. Roberts,
7. Mr. Vanece,
8. Mr. Wayne.

#### NAYS.

8. Mr. Laird,
9. Mr. Martin,
10. Mr. Mayer,
11. Mr. M'Arthur,
12. Mr. Rahm,
13. Mr. Sommer,
14. Mr. Lane, *Speaker*.

Eight Yeas and fourteen Nays; by which it appeared, that the question was determined in the negative.

A motion was made by Mr. Hart and Mr. Roberts, to increase the allowance of the justice of peace for his services, from "*thirty-seven cents*," to "*one dollar*;" which was not agreed to.

Another motion was then made by Mr. Hart and Mr. Roberts, to limit the amount of the constable's compensation to "*three cents per mile*;" which was not agreed to.

The section was adopted.

The preamble was disagreed to.

The title having been amended so as to read, "*A general supplement to the several Acts of the General Assembly, passed for the erection of houses for the employment and support of the poor*;" and agreed to :

Ordered, That the said bill be prepared for the third reading.

Agreeably to order, the Senate resumed, in committee of the whole, (Mr. Vance in the chair) the fur-

ther consideration of the bill entitled, "*An act for the relief of Thomas Snowden.*" And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

Whereupon,

On motion of Mr. Hart, and Mr. Roberts,

The said bill was considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "*A supplement to an act entitled, 'An act directing the mode of settling accounts in the Land-Office, and to prevent frauds in obtaining warrants for land,'*" was read the second time as reported by committee of the whole yesterday, and considered by section.

- Section I. being under consideration :

A motion was made by Mr. Wayne and Mr. Rahm, to extend the time for the operation of the act therein mentioned, "*from one thousand eight hundred and nine,*" to "*one thousand eight hundred and ten,*" and required the Yeas and Nays thereon.

Whereupon,

On the question being put, the Members voted as follow, *to wit* :

#### YEAS.

1. Mr. Campbell,
2. Mr. Dorsey,
3. Mr. Harris,
4. Mr. Hiester,
5. Mr. Laird,

#### NAYS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Gress,
4. Mr. Hart,
5. Mr. Heston,
6. Mr. Martin,

#### YEAS.

6. Mr. Lattimore,
7. Mr. Mayer,
8. Mr. Rahm,
9. Mr. Rankin,
10. Mr. Wayne.

#### NAYS.

7. Mr. M'Arthur,
8. Mr. Pennell,
9. Mr. Roberts,
10. Mr. Sommer,
11. Mr. Vance,
12. Mr. Lane, *Speaker.*

Ten Yeas and twelve Nays; by which it appeared, that the question was determined in the negative.

The section was adopted.

Section II. being under consideration :

A motion was made by Mr. Wayne and Mr. Rankin, to extend the time for the operation of the act therein mentioned, from "*one thousand eight hundred and nine,*" till "*one thousand eight hundred and ten,*" and required the Yeas and Nays thereon.

Whereupon,

On the question being put, the Members voted as follow, *to wit* :

## YEAS.

1. Mr. Campbell,
2. Mr. Harris,
3. Mr. Hiester,
4. Mr. Laird,
5. Mr. Lattimore,

## NAYS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Hart,
6. Mr. Heston,

## YEAS.

6. Mr. Martin,
7. Mr. Mayer,
8. Mr. Rahm,
9. Mr. Rankin,
10. Mr. Wayne.

## NAYS.

7. Mr. M'Arthur,
8. Mr. Pennell,
9. Mr. Roberts,
10. Mr. Sommer,
11. Mr. Vance.
12. Mr. Lane, *Speaker.*

Ten Yeas and twelve Nays; by which it appeared, that the question was determined in the negative.

The section was adopted.

Section III. being under consideration :

A motion was made by Mr. Sommer and Mr. Hart, to amend the section, by inserting the following immediately preceding the proviso : "*And where any person or persons, or their heirs, shall not owe any arrears as aforesaid, such person or persons, or their heirs, on obtaining a certificate from the Receiver-General, stating the balance due, the Governor is hereby authorized to draw his warrant on the State-Treasurer for the amount thereof, which shall be paid out of any unappropriated monies in the Treasury.*"

On which motion,

The Yeas and Nays were required by Mr. Roberts and Mr. Pennell; and,

On the question being put, the Members voted as follow, *to wit* :

## YEAS.

1. Mr. Blocher,

## YEAS.

2. Mr. Dorsey,

## YEAS.

3. Mr. Gress,
4. Mr. Hart,
5. Mr. Heston,
6. Mr. Hiester,
7. Mr. Laird,
8. Mr. Martin,
9. Mr. Mayer,

## NAYS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Harris,

## YEAS.

10. Mr. M'Arthur,
11. Mr. Pennell,
12. Mr. Rahm,
13. Mr. Roberts.
14. Mr. Sommer,
15. Mr. Vance,
16. Mr. Lane, *Speaker*.

## NAYS.

4. Mr. Lattimore,
5. Mr. Rankin,
6. Mr. Wayne.

Sixteen Yeas and six Nays; by which it appeared, that the question was determined in the affirmative.

A motion was then made by Mr. Sommer and Mr. Roberts, to strike from line 7, the words "*with interest*," so as to prevent the payment of interest on the balances which remain due to any person or persons.

On which motion,

The Yeas and Nays were required by Mr. Roberts and Mr. Vance; and,

On the question being put, the Members voted as follow, *to wit* :

## YEAS.

1. Mr. Blocher,
2. Mr. Laird,
3. Mr. Pennell,

## NAYS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Hart,
7. Mr. Heston,
8. Mr. Hiester,
9. Mr. Lattimore,

## YEAS.

4. Mr. Roberts,
5. Mr. Sommer.

## NAYS.

10. Mr. Martin,
11. Mr. Mayer,
12. Mr. M'Arthur,
13. Mr. Rahm,
14. Mr. Rankin,
15. Mr. Vance,
16. Mr. Wayne,
17. Mr. Lane, *Speaker*.

Five Yeas and seventeen Nays; by which it appeared, that the question was determined in the negative.

Whereupon,

The Yeas and Nays on the section were required by Mr. Pennell and Mr. Roberts; and.

On the question being put, the Members voted as follow, *to wit* :

## YEAS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Dorsey,
5. Mr. Gress,
6. Mr. Harris,
7. Mr. Hart,
8. Mr. Heston,
9. Mr. Hiester,
10. Mr. Laird,

## NAYS.

1. Mr. Pennell,

## YEAS.

11. Mr. Lattimore,
12. Mr. Martin,
13. Mr. Mayer,
14. Mr. M'Arthur,
15. Mr. Rahm,
16. Mr. Rankin,
17. Mr. Sommer,
18. Mr. Vance,
19. Mr. Wayne,
20. Mr. Lane, *Speaker*.

## NAYS.

2. Mr. Roberts.

Twenty Yeas and two Nays; by which it appeared, that the question was determined in the affirmative.

The title of the bill having been agreed to :

Ordered, That the said bill be prepared for the third reading.

The petition of the subscribers thereto, directors of the Farmers' and Mechanics' Bank in the city of Philadelphia, read on the ninth of January last, was again read.

Whereupon,

A motion was made by Mr. Pennell and Mr. Roberts, to postpone the further consideration of the petition generally.

On which motion,

The Yeas and Nays were required by Mr. Hart and Mr. Heston; and,

On the question being put, the Members voted as follow, *to wit* :

## YEAS.

1. Mr. Blocher,
2. Mr. Mayer,
3. Mr. M'Arthur,

## NAYS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,

## YEAS.

4. Mr. Pennell,
5. Mr. Rankin,
6. Mr. Roberts.

## NAYS.

5. Mr. Harris,
6. Mr. Hart,
7. Mr. Heston,
8. Mr. Hiester,

## NAYS.

9. Mr. Laird,
10. Mr. Lattimore,
11. Mr. Martin,
12. Mr. Rahm,

## NAYS.

13. Mr. Sommer,
14. Mr. Vance,
15. Mr. Wayne,
16. Mr. Lane, *Speaker*.

Six Yeas and sixteen Nays; by which it appeared, that the question was determined in the negative.

Thereupon, on motion,

The said petition was referred to Mr. Dorsey, Mr. Sommer, and Mr. Vance, to consider and report thereon.

Adjourned till 10 o'clock, Monday morning.

## Monday, March 7, 1808.

Mr. Pennell presented the petition of the subscribers inhabitants thereto, of the city and county of Philadelphia, and Delaware county, praying for an act to incorporate a company for making an artificial road, commencing at the permanent bridge on Schuylkill, by the most direct route to the village of Derby; thence through the town of Chester, to the state of Delaware. And the said petition was twice read, and referred to Mr. Pennell, Mr. Roberts, and Mr. Sommer, to consider and report thereon.

The bill entitled, "*A supplement to an act entitled, 'An act directing the mode of settling accounts in the Land-Office, and to prevent frauds in obtaining warrants for land,'*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, That Senate have passed the said bill with amendments, in which the concurrence of that House is requested.

Which amendments are as follow, *to wit*:

Insert a new section, to come in before the first section of the bill, as follows:

"Section I. Be it enacted by the Senate and House

of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the provisions of the first section of the act entitled, 'An act to encourage the patenting of lands, and for other purposes,' passed the fourth day of April, one thousand eight hundred and five, be, and the same are hereby extended and continued in force until the first day of September, which will be in the year one thousand eight hundred and nine."

Make section "I." read section "II."

Add another new section, to be called

"Section III. And be it further enacted by the authority aforesaid, That in all cases when a balance remains in favor of any person or persons, where a patent has been granted on a warrant or warrants issued previous to the third of April, one thousand seven hundred and ninety-two, it shall be the duty of the Receiver-General, on the application of such person or persons or their heirs, to allow them a credit for the amount of such balance, with interest, in payment of the arrears of purchase-money and interest which may be due on any other land they may be entitled to within this Commonwealth, and where any person or persons, or their heirs, shall not owe any arrears as aforesaid; such person or persons, or their heirs, on obtaining a certificate from the Receiver-General, stating the balance due, the Governor is hereby authorized to draw his warrant on the State-Treasurer for the amount thereof; which shall be paid out of any unappropriated monies in the Treasury. Provided always, That nothing herein contained shall be construed to extend to payment of unsatisfied warrants, nor to balances which may have been paid to late proprietaries of Pennsylvania."

The bill entitled, "*An act granting an annuity to Thomas Snowden*," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed

the said bill with amendments; in which the concurrence of that House is requested.

Which amendments are:

To reduce the annuity and sum to be paid in advance to Thomas Snowden, from "*fifty*" to "*forty*" dollars: with several verbal amendments.

The bill entitled, "*An act to afford immediate relief to James Waters; a soldier during the revolutionary war, and to grant him an annuity,*" was read the second time as reported by committee of the whole, on the fifth instant, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The Clerk of the House of Representatives presented for signature, three bills, entitled as follow, *to wit*:

1. "*An act to authorize Jacob Rudizell and George Karl, administrators of the estate of George Karl, deceased, or the survivor of them, to convey a part of a tract of land therein described to William Young.*"

2. "*An act to enable the administrators of Peter Ankeny, late of the county of Somerset, deceased, to convey certain lots of ground in the borough of Somerset, to the purchasers thereof.*"

3. "*An act to alter the time of holding the fairs in the borough of Carlisle, in the county of Cumberland.*"

Whereupon,

The Speaker signed the said bills.

The bill entitled, "*A supplement to an act entitled, 'An act to incorporate trustees for the Meadville academy, and to establish the same,'*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Pennell in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

The bill entitled, "*An act to alter a certain part of the line which divides the counties of Mercer and Crawford,*" was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

Adjourned till 10 o'clock, to-morrow morning.



*Tuesday, March 8, 1808.*

Mr. Roberts, from the committee to whom was referred on the third instant, the petition of Jonathan Guy, on leave now given, reported the bill entitled, "*An act granting an annuity to Jonathan Guy;*" which was read the first time.

Mr. Roberts, from the committee appointed on the eleventh of December last, to inquire and make report, if any, and what alterations may usefully and conveniently be made, by law, in the Land-office, the Department of Accounts, and the Treasury, made final report; which was read, as follows, *to wit*:

Under the proprietary or provincial government, the public accounts were few, simple in their nature, and consequently easily checked and adjusted.

Paper-money was early resorted to, and was a principal feature in the financial system; and while the pecuniary calls of the government were of small amount, connected as was that medium with taxation, it answered all the purposes intended.

The collectors of the public monies (see acts of one thousand seven hundred and twenty-four and one thousand seven hundred and fifty-six) settled their accounts with the county treasurers. All accounts, however, passed annually under the examination of the Assembly, through their committees, who appear from the records to have gone into detail in the examination of the public accounts.

The revolutionary war called for resources, to an extent far beyond what existed when it began, and what so new a country could be expected to possess; but the paucity of the means were remedied in the patriotism of the citizens, which enabled an extension of the paper-money system to meet the exigency of the crisis.

Thus the public accounts, for the first two or three years of the war, in relation to the revenues, were but little altered in their nature, though much increased and extended; but they were materially changed, multiplied, and rendered more complex, in regard to the

expenditure; inasmuch as the war produced many objects of expence not felt in time of peace. The mode hitherto followed of settling the public accounts, did not now answer; and auditors (specially appointed by acts of one thousand seven hundred and seventy-eight and one thousand seven hundred and eighty) were introduced, who supplied the place of the committees of Assembly, except in particular instances.

The enormous masses of paper-money issued by Congress, and the individual States, upon the slender and uncertain resources then within their power, produced a very great depreciation. In the year one thousand seven hundred and eighty, to provide for this depreciation, and sustain the energies of the war, our state issued what have been called depreciation certificates. Further issues of certificates took place in the year of which we are speaking, and in one thousand seven hundred and eighty-one. The public accounts thus becoming more and more complex, and the method of adjusting them by auditors, &c. being found inadequate, in the year one thousand seven hundred and eighty-two, the Comptroller-General's office was established, and extensive powers were given to that officer in settling all accounts, with the exceptions named in the act appointing him. As the paper-money, issued during the war, had lost its currency, the issue of certificates of various descriptions, to sustain the public obligations, continued.

To enable the Senate at one view to embrace the mass of business which fell under the attention of the Comptroller-General, before the establishment of the office of the Register-General, the committee present the following abstract of the amount of the various certificates which passed through the hands of the Comptroller-General, *to wit*:

|                            |   |   |   |              |
|----------------------------|---|---|---|--------------|
| Depreciation certificates, | - | - | - | \$ 1,660,000 |
| Funded debt do.            | - | - | - | 600,000      |
| New-Loan do.               | - | - | - | 6,400,000    |

Amounting to more than eight millions, six hundred thousand dollars, in the whole. It is true, the Comptroller did not issue the whole of these certificates, the first having been almost entirely issued by auditors

before that office was erected; but this circumstance will form no objection to the view which the committee are taking of the subject. The whole passed through his hands, either in the issue, exchange, redemption, or subscription to the loan of the United States; and indeed as far as he issued, the amount would be nearly doubled by the same certificates passing a second time through his hands.

This immense trust (equal nearly as to negotiation or transfer to money) being vested in the Comptroller-General, without any efficient check, excited suspicion and distrust, and produced the appointment of the Register-General, in one thousand seven hundred and eighty-nine; whose powers, by the act of appointment and subsequent acts, were designed to check the conduct of the Comptroller, (whether that end was effected by the appointment, may be judged of by the eventual difficulties which arose between the state and both those officers, in transactions arising out of the certificate business.)

By an attention to the nature of the duties of the office of the Comptroller-General, it will clearly appear, that the business occasioned by the revolutionary war, (and it was this business that rendered it necessary to change the mode of settling the public accounts) had, in a great degree, ceased before the appointment of the Register-General. The liquidation of the accounts, upon which a large part of the before recited certificates were issued, took place before that office had existence. It must therefore be evident, that the Register-General was designed to check, rather than to aid the Comptroller.

From the report of the department of accounts, it appears, that, by the extensive redemption of certificates through the Land-office, Treasury, excise, and subscriptions to the loan of the United States, the greater part of the certificate business (and it was the chief business) had ceased in one thousand seven hundred and ninety-three; for, in order to accelerate the adjustment of the accounts between this State and the United States, a special commission had been instituted; and, at present, there is not a vestige of the certificate concerns remaining, for those outstanding are irredeemable by act of one thousand eight hundred and five.

The accounts created by the revolutionary war having from the causes above stated in a great measure ceased in the year one thousand seven hundred and ninety-three, as before observed, the business remaining for the Department of Accounts to transact, appears from their annual reports to have been comparatively small, *to wit* : The settlement of the accounts of taxes—bills of credit—land accounts—licences—custom duties—excise—militia accounts—auction duties—pensions—loan offices—salaries—contingent expences of government, &c. which were light, compared with the former.

It may here be proper to take a view of the principal business which now engages the attention of the Department of Accounts. These we find are : Accounts with the land offices—Secretary's office—licences—fines—auction duties—tax on writs—fees of the clerk of the supreme court and the prothonotaries—loan offices—pensions—militia accounts—salaries, and contingent expences of government, &c. There may occasionally arise incidental accounts, which may increase, for a time, the business, such as that which has arisen out of the Luzerne controversy ; but it is not probable there can any thing occur that will require the present expensive establishment. It must also be recollected, that much of the revenue is, at present, composed of bank dividends, which greatly lessen the public accounts.

From this view, it becomes evident, that, with few exceptions, the business now done, was transacted by the Comptroller-General alone ; and afterwards, in conjunction with the Register-General, in addition to all the business arising out of the war. The discontinuance of the direct taxes of the state, in one thousand seven hundred and eighty-nine, (although the arrearages occasioned some labor in the settlement, yet it being partly done by auditors) relieved those officers from much duty.

The committee are fully aware, that, in the rapid extension of population, trade, and improvement, a system that suited a period of more than thirty years back, would not now be suitable. The committee, however, are of opinion, (and they conceive the pre-

eeding statement and observations justify them in such a declaration) that the present system is unnecessarily expensive; and, at the same time, does not afford an adequate security for the public monies. It must not be forgotten, that the chief reason for the appointment of a second officer in the Department of Accounts, *to wit*: That he should act as a check, is done away; neither of the accounting officers now have the command of certificates or paper of pecuniary nature. In short, it will be found, that we are still under a system created for the purpose of conducting an intricate business, wherein many millions of dollars were embraced and intrusted to the Comptroller, compared with which our present accounts are trifling.

The committee, having thus traced a brief narrative of the methods heretofore used for the settlement of the public accounts, of the rise, progress, and extinction of the prodigious mass of business which came at one time under the attention of the Comptroller and Register-Generals, and of the duties that come under their attention at present—will take the liberty to remark, that, by a small change, the business now under the management of the Comptroller and Register-Generals, may be lessened considerably without the least risk or disadvantage to the public; and, at the same time, secure a real convenience to the individuals concerned. The committee here refer to the present circuitous mode of paying salaries, wages, and other compensations established and defined by law; and which cannot be lessened or increased by any possible construction or discretion. It appears in a high degree absurd, that the demand of every associate judge, brigade-inspector, &c. for a quarter's salary, must be first stated by way of account in the Register-General's office; which account must be sent to the Comptroller, who files it and signs a certificate; which certificate he sends to the Register-General, who countersigns it, and sends it to the Governor; who thereupon issues his warrant on the Treasurer of the State: this warrant must again pass through the Comptroller and Register's offices; the associate judge, or other officer, then is only entitled to call upon the Treasurer. Surely, on accounts of this nature, the Treasurer is

fully competent to decide without the intervention of any other officer; and the receipt of the associate judge, &c. is a sufficient voucher for the Treasurer. The warrant of the Governor, cannot add to the security of the Treasury. It will doubtless be said, that the present mode preserves uniformity in the system of accounts; this may be equally obtained in the other way, and the saving of business in the Department of Accounts, will be more than eight hundred accounts per annum. The drawing of monies from the Treasury for salaries, in this way, is in another view wrong. It imposes an unnecessary and irksome duty on the Governor, to sign so many warrants; and on the Secretary of the Commonwealth, or his deputy, in having to prepare them. Besides it holds out a deceptive appearance of a check where there is none, and where none is needed.

For the purpose of lessening and rendering easy the accountant business, the committee further remark, that the penalty attached to a non-compliance on the part of the auctioneers settling their accounts quarterly, has proved beneficial, they conceive that the principle might be extended to all other persons in the receipt of public money, under suitable modifications; delays in settlement, generally increase the trouble of settling accounts.

No Treasury system can be formed without giving some discretionary powers to the officers, in the liquidation of accounts; but to release them from all amenability, except to the executive, does not appear to fulfil the intention of the constitution. The accounting officers, in which at present are included the Governor, the Comptroller, and Register-Generals, now adjust and allow all accounts, with an appeal from their decision to the courts; but to him who may be wronged, the remedy is worse than the evil, in consequence of the expence and delay he must be subjected to, where the rejected accounts may generally be small. But, on the other hand, if a disposition to favoritism should prevail, where is the security of the state. The Governor, and two officers, the mere creatures of his will, settle the account, and draw a warrant on the Treasury; and here the check ends. The Treasurer, an officer

particularly distinguished by the constitution, is obliged to pay the money without knowing whether the claim is just or not. The nature and extent of the powers of the accounting officers, may be estimated when the amount of the contingent expences of government are duly considered. The convention seem, to have been well aware of the necessity there was of restricting the powers of the Governor, so as to preserve the Treasury free from his control. In exception to his general appointing powers, the officers of the Treasury, other than the Treasurer, are to be appointed as directed by law. The Treasurer is elected annually, by a joint vote of the Senate and House of Representatives; and no money can constitutionally be drawn from the Treasury, but in consequence of appropriations made by law. The discretion allowed to the accounting officers in settling accounts, affords an opportunity for defeating this wise provision, as they are only answerable to the executive department for what they may do, except in a very remote degree. This department is not so near to the people, as the Legislative department; nor is it constitutionally invested with the superintendency thereof. But this evil is increased, by the law giving the accounting officers power to issue certificates, where no money has been appropriated.

It has already been observed, that, previous to the creation of the Comptroller's office, the accounts of the state were inspected in detail by a committee of the Legislature. The committee believe, that a similar inspection by a joint committee of the Senate and House of Representatives, would be the safest possible check on the Treasury Department. In this case the heads of the department should give security for the due performance of their duties, and be answerable for an abuse of their trust.

The Committee, therefore, recommend the following alterations and modifications of the Department of Accounts and the Treasury.

1. That the Comptroller-General's office be abolished; the books in said office to be placed in the office of the State-Treasurer, and the papers and accounts filed in the office of the Register-General.

2. That the State-Treasurer shall examine and revise all settlements made by the Register-General; and, when he approves, countersign such settlement, and return the same with all vouchers to the Register-General.

3. That where the State-Treasurer and Register-General disagree in the settlement of any account, they shall make report to the House of Representatives, if in session, or if not, during the first week of the next ensuing session, of all such cases, to be decided by a joint committee of the two Houses; which decision shall be subject to an appeal to the Legislature.

4. No unfunded certificates shall be issued on any pretence.

5. Upon all accounts settled by the Register-General and State-Treasurer, whereon a balance or sum of money may be found due from the Commonwealth, the Register-General shall draw his warrant on the State-Treasurer for such sum, who shall pay the same.

6. The Treasurer to have the necessary powers to enforce the collection of monies due to the Commonwealth.

7. The Treasurer to pay all salaries and pensions upon application of the party, or his agent legally authorized, without the warrant of the Register-General; the Treasurer to furnish, in his monthly settlements with the Register-General, all the warrants and receipts for monies paid by him.

8. No receipt for monies paid into the Treasury to be valid, unless entered in the office of the Register-General to the credit of the person paying the same, and counter-signed by the Register-General.

9. The Register-General to report annually to the Legislature a full statement, in manuscript, of all the public accounts settled in the preceding year, to be revised by a joint committee of the two Houses; which committee shall have power to send for persons and papers.

10. The revenue officers to be subjected to more severe penalties for a non-compliance with their duty in settling their accounts, and paying the public monies into the Treasury.



11. The salaries of the State-Treasurer and Register-General to be increased to \_\_\_\_\_ dollars per annum, and each to be allowed two clerks.

12. The Register-General to be appointed and commissioned by the Governor, for three years; but shall be removed on address of the General Assembly.

13. The Register-General to give security.

14. The powers and duties now exercised by the State-Treasurer and Register-General, which are not altered or supplied by the preceding propositions, to remain in full force.

Resolved, That a committee be appointed to draught and report a bill embracing the foregoing propositions.

The Secretary of the Commonwealth presented a message from the Governor; which was read, as follows, *to wit*:

*“To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

“GENTLEMEN,

“I HAVE directed copies of a letter to me, dated the second instant, from C. Biddle, esquire, to be herewith laid before the respective Houses, for the purpose of bringing into their view, the subject of some provision for the safe keeping and preservation of the public arms within the Commonwealth. From their present situation, they are exposed to great and certain injury, for want of cleaning and occasional repairs. I therefore submit to the Legislature, the propriety of placing them under the superintendence of the quarter-master-general, or some other officer; with a reasonable compensation for his services, and with authority to have them stored in suitable places throughout the state, and cleaned and kept in repair at the public expence.

“THOMAS M'KEAN.

*“Lancaster, March 7, 1808.”*

The letter accompanying the message, was also read, as follows, *to wit*:

*PHILADELPHIA, March 2, 1808.*

SIR,

A FIRE, which happened yesterday, from a

neighboring chimney, communicated to the roof of the house, where about five hundred stand of the arms belonging to the Commonwealth were stored, and which I had some time ago reported to your excellency, and to the adjutant general. The roof was burnt through in several places, and a great quantity of water from the fire-hose and buckets, thrown on the roof and upper rooms, communicated with the arms, by which a great part of them are much wet, and should be removed without delay and properly cleaned, to prevent their being spoiled. As they must be removed from the place they are in, I beg leave to suggest, whether they had not best be put in charge of Mr. Miles, or some other gun-smith, to have them stored, and properly cleaned, and taken care of.

I request your orders, and am,

With great respect,

Your Excellency's most obedient

And very humble servant,

CLEMENT BIDDLE.

*His Excellency Thomas M'Kean, LL.D.* }  
*Governor of the Commonwealth of Pennsylvania.* }

The Speaker laid before the Senate, the report of the president, managers and company of the Chesnut-hill and Spring-house turnpike road; from which the following is abstracted:

|                                                                                       |       |              |
|---------------------------------------------------------------------------------------|-------|--------------|
| Amount of capital stock,                                                              | - -   | \$ 70,000    |
| Amount expended in making<br>the road,                                                | - -   | \$ 67,012 36 |
| Balance unexpended, and<br>which is invested in the<br>stock of the United<br>States, | - - - | 2,987 64     |
|                                                                                       |       | ——70,000     |
| Amount of tolls from October<br>13, 1804, to November 4,<br>1807,                     | - - - | 5,723 42     |
| Amount of tolls till November<br>2, 1807,                                             |       | \$ 4,504 75  |
| Interest on stock, from sur-<br>plus unexpended,                                      |       | 480          |
| Fines,                                                                                |       | 10           |

|                             |          |
|-----------------------------|----------|
| Dividends to November 4,    |          |
| 1806,                       | 5,824    |
| Ditto, to November 2,       |          |
| 1807,                       | 3,500    |
| Expences, gate-keepers, &c. | 3,379 10 |

The bill entitled, "*An act to afford immediate relief to James Waters, a soldier during the revolutionary war, and to grant him an annuity,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, That Senate have passed the said bill without amendment.

The bill entitled, "*An act to alter a certain part of the line which divides the counties of Mercer and Crawford,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*A general supplement to the several acts of the General Assembly, for the erection of houses for the employment and support of the poor,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*A supplement to an act entitled, 'An act to incorporate trustees for the Meadville academy, and to establish the same,'*" was read the second time, as reported by committee of the whole yesterday, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "*An act for the relief of Edward Cavanaugh,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the

whole, (Mr. Roberts in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

The bill entitled, "*An act to raise by way of lottery, a sum not exceeding four thousand dollars for finishing a church in the borough of Pittsburg, in the county of Allegheny;*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Hart in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

On motion of Mr. Pennell and Mr. Roberts,

The report of the committee of the whole (negating the first section) on the bill entitled, "*An act to enable Israel Roberts, John Ogden, and William Levis, junior, guardians of the minor children of Seth Pancoast, deceased, to sell and convey real estate therein mentioned;*" was read the second time.

Whereupon,

On the question, "*Will Senate adopt the report of the committee of the whole on the said bill?*" being put, was determined in the negative; and the consideration of section I. of the said bill, recurring, was adopted.

The remaining section, with the preamble and title, having been agreed to:

Ordered, That the said bill be prepared for the third reading.

The Clerk of the House of Representatives presented for concurrence, a resolution relative to the United States road from Fort Cumberland, to the state of Ohio.

And he informed, That the House of Representatives have concurred in the amendments by the Senate, on the bill entitled, "*An act granting an annuity to Thomas Snowden.*"

The resolution presented for concurrence, was read the third time.

On motion of Mr. Rahm and Mr. Hiester,

The report of the committee of the whole (negating the first section) on the bill entitled, "*An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house in Mayerstown, in the county of Dauphin,*" was read the second time.

Thereupon,

On the question, "*Will Senate adopt the report of the committee of the whole on the said bill?*" being put, was determined in the negative; and, the consideration of section I. recurring, was adopted.

Section II being under consideration:

A motion was made by Mr. Roberts and Mr. Hiester, to amend the section, by inserting the following at the end thereof: "*Provided always, that the commissioners aforesaid shall not receive any pay, for any duties enjoined on them, by authority of this act,*" which was agreed to, and the section as amended adopted.

The remaining sections, with the title, having been agreed to:

Ordered, That the said bill be prepared for the third reading.

The report of the committee on the petition of the subscribers thereto, inhabitants of the counties of Lycoming and Centre, read on the sixteenth of last month, was again read; and the resolution being under consideration, *to wit*:

Resolved, That a committee be appointed to bring in a bill, granting        dollars, to be applied in building a bridge over Bald Eagle creek, where the post-road from Williams-port in Lycoming county, to Alexandria, crosses the same.

A motion was made by Mr. Harris and Mr. Mitchell, to fill the blank with "*two thousand;*" which was not agreed to.

A motion was then made by Mr. Wayne and Mr. Harris, to fill the blank with "*fifteen hundred;*" which was also disagreed to.

A motion was then made by Mr. Harris and Mr. Martin, to fill the blank with "*one thousand;*" which was not agreed to.

Thereupon,

On motion of Mr. Vance and Mr. Roberts,  
The further consideration of the said resolution was postponed generally.

Adjourned till 10 o'clock, to-morrow morning.

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Wednesday, March 9, 1808.

The bill entitled, "*A supplement to an act entitled, 'An act to incorporate trustees for the Meadville academy, and to establish the same,'*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*An act to enable Israel Roberts, John Ogden, and William Levis, junior, guardians of the minor children of Seth Pancoast, deceased, to sell and convey certain real estate therein mentioned,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, That Senate have passed the said bill without amendment.

The bill entitled, "*An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house in in Mayerstown, in the county of Dauphin,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*An act for the relief of Edward Cavanaugh,*" was read the second time, as reported by committee of the whole yesterday, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "*An act to raise by way of lottery, a sum not exceeding four thousand dollars for finishing a church in the borough of Pittsburg, in the county of Allegheny,*" was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

Moved by Mr. Pennell and Mr. Roberts,

Whereas large appropriations have been made by the Legislature for the improvement of roads and rivers; and it is important, that the public monies should be faithfully applied to the objects to which they were designed.

And whereas, by the third section of the act of the ninth day of February, one thousand eight hundred and one, it is made the duty of the Secretary of the Commonwealth, to furnish the Comptroller and Register-Generals, with an account of all the contracts entered into between the Commonwealth and individuals or companies. By the fourth section of the same act, it is made the duty of the Secretary, to place in the hands of the Attorney-General, all contracts which have not been complied with, in order that proceedings may be taken thereon.

Therefore,

Resolved, That the Secretary lay before the Senate, a statement of his proceedings on the act aforesaid, particularizing the contracts which have been placed in the hands of the Attorney-General.

Resolved further, That the Comptroller and Register-Generals lay before the Senate, a statement of the contracts of such contractors, as appear by their books to have been acted upon by the Attorney-General, and the monies recovered thereon.

Whereupon,

On motion of Mr. Mitchell and Mr. Hiester,

The said resolution was again read, considered, and adopted.

Ordered, That the Clerk furnish the Secretary of the Commonwealth, and the Comptroller and Register-Generals, each with a transcript of the Journal, containing the foregoing.

The bill entitled, "*An act for the establishment of schools throughout this Commonwealth,*" was read the second time as reported by select committee, to whom it had been recommitted.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Hart in the chair) for the further consideration thereof. And,

After some time,

The committee rose, reported progress, and had leave to sit again to-morrow.

The Clerk of the House of Representatives presented for signature, two bills, entitled as follow, *to wit* :

1. "*An act granting an annuity to Thomas Snowden.*"
2. "*An act to afford immediate relief to James Waters, a soldier during the revolutionary war, and to grant him an annuity.*"

He returned the bill entitled, "*An act to fix the number of Senators, form the state into districts, and determine the portion to be allotted to each; also to fix the number of Representatives for the city, and the several counties of the Commonwealth, in pursuance of the provisions of the constitution.*"

And informed, That the House of Representatives have passed the said bill with amendments; in which the concurrence of Senate is requested.

Which amendments are as follow, *to wit* :

Section I. line 12, make the word "*counties,*" read "*county,*" and after the word "*Berks,*" insert "*shall be a district, and elect two.*" Line 13, make the word "*three,*" read "*one.*"

Section II. strike out all that follows the word "*Chester,*" in the 15th line, to the word "*the,*" where it first occurs in the 18th line. Line 34, strike out the words, "*now occupied by Henry Imhoff, in Somerset county, at the foot of Allegheny,*" and insert in place thereof these words, "*of George Grayham, in Stoystown, Somerset county.*" Line 37, strike out "*Armstrong,*" and insert "*Blacklick.*"

Section III. line 11, after the word "*five,*" insert "*and the return judges shall meet at the court-house, in the borough of Easton.*" Line 14, after the word "*one,*" insert

“and the return judges shall meet at the house of Absalom Woodward, in Armstrong county.” Line 19, after the word “four,” insert “and the return judges shall meet at the house of William Dickson, in Pine township, Allegheny county.” Line 20, after the word “two,” where it last occurs, insert “and the return judges shall meet at the court-house, in the borough of Somerset.” Line 23, after the word “one,” insert “and the return judges shall meet at the court-house, in the borough of Bellefonte.” Line 24, after the word “two,” where it first occurs, insert “and the return judges shall meet at the court-house, in the town of Meadville.”

Add to the section, “and the return judges shall meet at the court-house, in the town of Mercer.”

The Speaker signed the bills presented for signature.

Adjourned till 10 o'clock, to-morrow morning.

Thursday, March 10, 1808.

The Speaker laid before the Senate, a letter from the Comptroller and Register-Generals; which was read, as follows, *to wit*:

Department of Accounts, March 10, 1808.

SIR,

IN compliance with the resolution of Senate, of yesterday, we have the honor to state; That general lists of the contracts for opening and improving roads and rivers, entered into between the Commonwealth and individuals, or companies, appear to have been furnished to these offices in the year one thousand eight hundred and one; which lists have much facilitated the closing of many contract accounts, which had remained open on the books of the offices.

No return appears to have been made by the Attorney-General to either of these offices, respecting any proceedings which may have been had on contracts; neither does it appear by the books, that any monies have been received from contractors, on account of balances in their hands.

The contracts were (as directed by law) made by the Governor; and when suits were ordered, it was by direction of the Secretary; hence it will be obvious, that we have no official document shewing when, or upon what contract suits were brought; nor, as we have stated above, has any return been made to us.

We are very respectfully,

Your obedient servants,

GEO. DUFFIELD, *Compt.*

JOHN KEAN, *Register.*

To the hon. the Speaker }
of the Senate, }

Mr. Rahm presented the petition of the subscribers thereto, inhabitants of Kutztown, in the township of Maxetany, in the county of Berks, praying for an act incorporating the said town. And the said petition was twice read, and referred to Mr. Rahm, Mr. Dorsey, and Mr. Mitchell, to consider and report thereon.

Mr. Dorsey, from the committee to whom was referred on the fifth instant, the petition of the president and directors of the Farmers' and Mechanics' bank, on leave now given, reported the bill entitled, "An act to incorporate the Farmers' and Mechanics' bank;" which was read the first time.

The bill entitled, "*An act to raise by way of lottery, a sum of money not exceeding four thousand dollars, for finishing a church in the borough of Pittsburg, in the county of Allegheny,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*An act for the relief of Edward Cavenough,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*An act to authorize the Governor to incorporate a company to open a canal from Hunter's*"

falls on the river Susquehanna, or the vicinity thereof, through or near the borough of Harrisburgh, into the same rivers, and for establishing mills, and other water-works and machinery thereon," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Harris in the chair) for the further consideration thereof. And,

After some time,

The committee rose, reported progress, and had leave to sit again on Tuesday next.

The Clerk of the House of Representatives presented for concurrence, the bill entitled, "*An act to authorize certain persons therein named, to raise by way of lottery, a sum of money to enable them to finish a church in the town of Columbia, and to pay the debts contracted in building the same.*"

He returned the bill entitled, "*An act granting an annuity to Christian Shockey.*"

And informed, That the House of Representatives have passed the said bill, with amendments, in which the concurrence of Senate is requested.

He also informed, That the House of Representatives have concurred in the two first, and non-concurred the last amendment by Senate, to the bill entitled, "*A supplement to the act entitled, 'An act to direct the mode of settling accounts in the Land-Office, and to prevent frauds in obtaining warrants for land.'*"

The bill presented for concurrence, was read the first time.

The amendments by the House of Representatives to the bill entitled, "*An act granting an annuity to Christian Shockey,*" were read as follow, to wit:

Section I. line 4, after the word "*that,*" insert "*the Governor be, and he is hereby authorized to draw his warrant on the State-Treasurer, in favor of Alexander Ogle, for forty dollars, to be paid out of any unappropriated monies in the Treasury, to be applied to the use of Christian Shockey, and that.*" Same line, strike out the words "*for the use of,*" and insert in place thereof, the words "*the said.*" Line 5, insert between the words "*to Alexander,*" the word "*said.*"

The resolution relative to the United States' turnpike road, was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Pennell in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the said resolution negatived.

On motion of Mr. Roberts and Mr. Pennell,

The report of the committee of the whole on the said resolution, was read the second time.

Thereupon,

The Yeas and Nays on adopting the same, were required by Mr. Vance and Mr. Dorsey. And,

On the question being put, the members voted as follow, *to wit*:

YEAS.

1. Mr. Campbell,
2. Mr. Dorsey,
3. Mr. Gress,
4. Mr. Harris,
5. Mr. Heston,
6. Mr. Hiester,
7. Mr. Laird,
8. Mr. Lattimore,

YEAS.

9. Mr. Mayer,
10. Mr. M'Arthur,
11. Mr. Miller,
12. Mr. Pennell,
13. Mr. Rahm,
14. Mr. Sommer,
15. Mr. Lane, *Speaker*.

NAYS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Hart,
4. Mr. Martin,
5. Mr. Mitchell,

NAYS.

6. Mr. Rankin,
7. Mr. Roberts,
8. Mr. Slaymaker,
9. Mr. Vance,
10. Mr. Wayne.

Fifteen Yeas and ten Nays; by which it appeared, that the question was determined in the affirmative.

And the said resolution was negatived.

On motion,

The further consideration, in committee of the whole, of the bill entitled, "*An act for the establishment of schools throughout this Commonwealth,*" was postponed for the present.

Moved by Mr. Vance and Mr. Martin,

Resolved, That the Clerk distribute the one hundred

and fifty copies of the Indexes to the Journals of the Senate, from the commencement of the present constitution, to and including the session of 1800—1, in his possession, as follow, *to wit*:

A sufficient number of copies for the use of the Senate, and House of Representatives; one copy to each Member of the present Legislature, who may possess the Journal to which such Indexes apply.

One copy to each officer of government, at the seat of government, who may possess the Journal to which such Indexes apply.

Ordered to lie upon the table.

Adjourned until 10 o'clock, to-morrow morning.

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*Friday, March 11, 1808.*

Mr. Pennell presented the petition of the Brigade-Inspectors of the first and second brigade of the first division of the militia; stating, That, with the other Brigade-Inspectors of the Commonwealth, they have been subjected to additional trouble and expence, by the general orders issued by the Governor, as commander in chief of the militia, in consequence of the late requisition by the President of the United States; and praying the attention of the Legislature to the same. And the said petition was read, and

Laid upon the table.

Mr. Laird presented the petition of the subscribers thereto, inhabitants of the eleventh election district in Northumberland county; stating, That they understand a petition is now before the Legislature from a number of the inhabitants of said district, praying for a change of the place of holding their elections; and, as considerable embarrassments will arise should the change desired by the petitioners be allowed, they therefore pray, that, should any alteration take place, a more central situation may be fixed on. And the same was twice read, and referred to Mr. Laird, Mr. Heston, and Mr. Lattimore, to consider and report thereon.

On motion of Mr. Laird and Mr. Martin;

Senate resumed the consideration of the fifth item of the report of unfinished business, *to wit*: The report of the committee on the petition of the subscribers thereto, inhabitants of Derry township, Northumberland county, for an alteration in their election district," postponed for the present on the fifth of December last.

Whereupon,

On motion of Mr. Laird and Mr. Martin,

The said item was referred to the committee before mentioned.

Mr. Mitchell, from the committee to whom was re-committed on the eighth day of last month, the report of the committee, relative to the causes of delay in printing and distributing the Laws, Journals, &c. made the following report, *to wit*:—(delayed in consequence of the indisposition of the chairman)—

That, to obtain further information, the committee called before them William Greear, printer, (at the same time giving notice to the Secretary to attend) and received from said Greear a statement, to which he deposed, relative to his application to the Secretary, for the printing of the Act for the perpetuation of the hundred dollar law, and the act for regulating the militia; which they submit to the Senate, marked number I.

The committee also received answers to certain questions respecting the printing of the militia law, from John R. Matthews, to which he deposed, marked number II.

And, at the request of the Secretary of the Commonwealth, the committee received a statement from William Hamilton, and from the Deputy Secretary, and the two Clerks in the Secretary's office, on oath, marked number III. and IV. stating what passed between them and the Secretary, immediately after said Greear's application for the printing.

At the request of the committee, the Secretary furnished three statements, respecting the contracts for carrying the laws, and the time when they were delivered to the several prothonotaries, marked V. VI. and VII. From a due consideration of the above-men-

tioned statements, and further examination and cross-examination by the Secretary of the parties making them, the committee recommend the following resolution, *to wit* :

Resolved, That it appears, the Secretary of the Commonwealth used commendable exertions to procure the Laws of the last session to be printed in the time prescribed by law ; but which was, in some measure, prevented by the Master of Rolls not furnishing the printer with copy.

Resolved further, That it appears, the Secretary of the Commonwealth did, between the latter end of April and the third day of June last, employ the printer of the Journal of the House of Representatives (in the English language) to print the articles of war, which were to accompany the militia law ; that the said Journal was the last of the Journals delivered into the office of the Secretary, which delivery took place about the middle of August, eighty-nine days later than the time directed by law ; and that the Secretary could not but have been aware, that the said printer was under contract (specified in a bond, which bond the Secretary possessed at the time he employed the said printer) to deliver the said Journal into the office of said Secretary, on or before the first day of June last ; and that the delay in the printing and distributing the militia law, &c. and the ill execution of that work, are not justified by the reasons assigned for it by the Secretary.

Mr. Pennell, from the committee to whom was referred on the seventh instant, the petition of the subscribers thereto, citizens of Philadelphia and Delaware county ; on leave now given, reported the bill entitled, "*An act to authorize the Governor of this Commonwealth to incorporate a company for the purpose of making an artificial road from the Philadelphia and Lancaster turnpike, near the Schuylkill permanent bridge, through Darby and Chester, to the Delaware state line ;*" which was read the first time.

The bill entitled, "*A supplement to an act entitled, 'An act to erect the town of Connelsville, in Fayette county, into a borough,'*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Brady in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

On motion of Mr. Vance and Mr. Hart,

The said bill was considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The Clerk of the House of Representatives presented for concurrence, the bill entitled "*An act for the improvement of the state;*" which was read the first time.

On motion of Mr. Brady and Mr. Mitchell,

The message from the House of Representatives (read yesterday) informing, that the House have concurred in the two first, and not concurred in the last amendment by the Senate, on the bill entitled, "*A supplement to the act entitled, 'An act to direct the mode of settling accounts in the Land-Office, and to prevent frauds in obtaining warrants for land,'*" was again read.

Whereupon,

Resolved, That Senate recede from their amendment not concurred in by the House of Representatives; and,

Ordered, That the Clerk acquaint the House of Representatives thereof.

On motion of Mr. Pennell and Mr Roberts,

The Senate resumed, in committee of the whole, (Mr. Hart in the chair) the consideration of the bill entitled, "*An act for the establishment of schools throughout this Commonwealth.*" And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

Moved by Mr. Laird and Lattimore (who voted with the majority) That Senate re-consider the question on adopting the report of the committee of the whole,



(negating the resolution) relative to the United States' turnpike road, decided yesterday.

Whereupon,

On the question being put, it was determined in the negative.

Adjourned till 10 o'clock, to-morrow morning.

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Saturday, March 12, 1808.

Mr. Laird, from the committee to whom was yesterday referred the petition of a number of citizens residing in the eleventh district, in Northumberland county, together with the fifth item of the report of the committee of unfinished business, relating to the same subject, made report as follows, *to wit*:

That it would be inexpedient to change the place of holding elections in said district.

The committee therefore offer the following resolution, *to wit*:

Resolved, That the petitioners in favor of the change, have leave to withdraw their petition.

Whereupon,

On motion of Mr. Laird and Mr. Martin, and by special order,

The said report was again read, considered, and the resolution adopted.

The bill entitled, "*A supplement to an act entitled, 'An act to erect the town of Connelville, in Fayette county, into a borough,'*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The Clerk of the House of Representatives presented for signature, the bills entitled, as follow, *to wit*:

1. "*An act to enable Israel Roberts, John Ogden, and William Levis, junior, guardians of the minor children of Seth Pancoast, deceased, to sell and convey certain real estate therein mentioned.*"

2. "*A supplement to an act entitled, "An act directing the mode of settling accounts in the Land-Office, and to prevent frauds in obtaining warrants for land."*

Whereupon,

The Speaker signed the said bills.

The bill entitled, "*An act for the establishment of schools throughout this Commonwealth,*" was read the second time as reported by committee of the whole, yesterday, and considered by section.

Section I. being under consideration :

A motion was made by Mr. Wayne and Mr. Hart, to amend the section, by excepting the county of Chester from the provisions of the section.

On which motion,

The Yeas and Nays were required by Mr. Roberts and Mr. Mitchell.

Whereupon, after debate,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Blocher,
2. Mr. Dorsey,
3. Mr. Gress,
4. Mr. Harris,
5. Mr. Hart,
6. Mr. Hiester,

YEAS.

7. Mr. Mayer,
8. Mr. Rahm,
9. Mr. Slaymaker,
10. Mr. Sommer,
11. Mr. Wayne.

NAYS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Heston,
4. Mr. Laird,
5. Mr. Martin,
6. Mr. M'Arthur,
7. Mr. Miller,

NAYS.

8. Mr. Mitchell,
9. Mr. Pennell,
10. Mr. Rankin,
11. Mr. Roberts,
12. Mr. Vance,
13. Mr. Lane, *Speaker.*

Eleven Yeas and thirteen Nays; by which it appeared, that the question was determined in the negative.

A motion was then made by Mr. Dorsey and Mr. Wayne, to amend the section, by adding thereto the following, *to wit*:

"*Provided always, That all lands, tenements, and hereditaments vested in any society for the exclusive use and purposes of educating children of their own*

sect, shall be exempted from taxation, for purposes of general education."

On which motion,

Mr. Wayne and Mr. Pennell required the Yeas and Nays.

Whereupon, after debate,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Dorsey,
2. Mr. Harris,
3. Mr. Mayer,

NAYS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Gress,
5. Mr. Hart,
6. Mr. Heston,
7. Mr. Hiester,
8. Mr. Laird,
9. Mr. Martin,
10. Mr. McArthur,

YEAS.

4. Mr. Slaymaker,
5. Mr. Wayne.

NAYS.

11. Mr. Miller,
12. Mr. Mitchell,
13. Mr. Pennell,
14. Mr. Rahm,
15. Mr. Rankin,
16. Mr. Roberts,
17. Mr. Sommer,
18. Mr. Vance,
19. Mr. Lane, *Speaker*.

Five Yeas and nineteen Nays; by which it appeared, that the question was determined in the negative.

A motion was then made by Mr. Sommer and Mr. Hart, to amend the section, by excepting the city of Philadelphia, the county of Philadelphia, and the county of Bucks, from the provisions of the said section; (which motion was afterwards modified, on the suggestion of several Members, to include the counties of Northampton, Bedford, Lancaster, and Berks.)

Thereupon, after debate,

The Yeas and Nays on the motion, were required by Mr. Roberts and Mr. Pennell. And,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Blocher,
2. Mr. Gress,
3. Mr. Harris,
4. Mr. Hart,
5. Mr. Hiester,

YEAS.

6. Mr. Mayer,
7. Mr. Slaymaker,
8. Mr. Sommer,
9. Mr. Wayne.

NAYS.

1. *Mr. Brady,*
2. *Mr. Campbell,*
3. *Mr. Dorsey,*
4. *Mr. Heston,*
5. *Mr. Laird,*
6. *Mr. Martin,*
7. *Mr. M'Arthur,*
8. *Mr. Miller,*

NAYS.

9. *Mr. Mitchell,*
10. *Mr. Pennell,*
11. *Mr. Rahm,*
12. *Mr. Rankin,*
13. *Mr. Roberts.*
14. *Mr. Vance,*
15. *Mr. Lane, Speaker.*

Nine Yeas and fifteen Nays ; by which it appeared, that the question was determined in the negative.

Whereupon,

The Yeas and Nays on adopting the section, were required by Mr. Pennell and Mr. Mitchell. And,

On the question being put, the members voted as follow, *to wit* ;

YEAS.

1. *Mr. Brady,*
2. *Mr. Dorsey,*
3. *Mr. Heston,*
4. *Mr. Laird,*
5. *Mr. Martin,*
6. *Mr. M'Arthur,*
7. *Mr. Mitchell,*

YEAS.

8. *Mr. Pennell,*
9. *Mr. Rahm,*
10. *Mr. Rankin,*
11. *Mr. Roberts,*
12. *Mr. Vance,*
13. *Mr. Lane, Speaker.*

NAYS.

1. *Mr. Blocher,*
2. *Mr. Campbell,*
3. *Mr. Gress,*
4. *Mr. Harris,*
5. *Mr. Hart,*
6. *Mr. Hiester,*

NAYS.

7. *Mr. Mayer,*
8. *Mr. Miller,*
9. *Mr. Slaymaker,*
10. *Mr. Sommer,*
11. *Mr. Wayne,*

Thirteen Yeas and eleven Nays ; by which it appeared, that the question was determined in the affirmative.

Section II. was agreed to.

Section III. being under consideration :

A motion was made by Mr. Vance and Mr. Rankin, to amend the section, by limiting the establishment of schools, to districts containing at least ten families each, which was not agreed to.

Thereupon,

A motion was made by Mr. Vance and Mr. Rankin, to postpone the further consideration of the bill for the present ; which was agreed to.

The Speaker laid before the Senate, a letter, of which the following is a copy, *to wit*:

To the Honorable the Speaker of the Senate.

SIR,

The commissioners appointed by the Legislature, for the collection of certain debts due to this Commonwealth, respectfully represent to the Senate, that some difficulty has occurred in negotiating compromises of adverse claims against the state's liens, which the commissioners conceive to be very proper cases for accommodation. Under the existing laws vesting powers in the commissioners, and providing the mode of procedure by those who should compromise, and receive an assignment, for the consideration of the compromise, of so much of the state lien, it seems to be doubted by counsel who have been consulted, whether persons compromising and becoming assignees of the commissioners, may proceed to sell the lands forming the subject of compromise, under the same or similar authority, and in the same manner as the commissioners might have done; and whether those persons must not proceed by the customary and legal form of sheriffs' sale. The commissioners would state, that they have, in the exercise of their commission, invariably considered it conducive to the interest of the state, as well as the security of purchasers, under their sales, to obviate every difficulty or question arising on adverse claims, by compromising them; thereby preventing, as far as they could, any future litigation respecting the lien of the state with those adverse claimants: and perhaps had induced a belief, that the same mode of proceeding might be pursued by them, to which the commissioners themselves were entitled expressly by the Acts of Assembly.

It seems however, to be thought, that the course of sheriffs' sale is the only mode to which persons compromising, can resort; this is complained of as imposing upon them a great expence of cost, and have applied to the commissioners for relief. The asylum company in particular, with whom the commissioners have been in treaty for some time, hesitate to conclude

any compromise, unless the matter be explained, and a similar mode of procedure be secured to them as that vested in the commissioners for selling the lands. The commissioners beg leave to represent, that they are decidedly of opinion, that the persons who have compromised, or may compromise with them, ought to be authorized to sell the lands for which they may have compromised, under a similar authority and notice as the commissioners; nor can this be complained of by any person, inasmuch as, had sales been made by the commissioners in the first instance, the Legislature have legalized and sanctioned the measure; and besides, the mode itself secures a more extensive and specific notice to all who may be interested.

The commissioners would further state, That they will close the business of their commission, at their present meeting; that they have necessarily expended a greater sum of money in the discharge of their duties, than has been appropriated by the Legislature for expences of the commissioners. The excess of expenditure will probably amount to between six and eight hundred dollars, for this sum they respectfully request an appropriation; and submit it to the justice and liberality of the Legislature, whether, as by the former acts relative to the commission, no allowance is expressly given to the commissioners upon the lands purchased in for the state, a reasonable per cent. should not be allowed.

CADW. EVANS, junior.
JOHN LYON,
JOSEPH HIESTER.

Whereupon, on motion,

The said letter was again read, and referred to Mr. Brady, Mr. Vance, and Mr. Sommer, to consider and report thereon by bill, or otherwise,

The petition of the Brigade-Inspectors, of the first and second brigades of the first division of militia, read yesterday, was again read; and referred to Mr. Pennell, Mr. Hart, and Mr. Roberts, to consider and report thereon.

Mr. Miller, from the committee appointed for that purpose, reported, That, in conjunction with the committee of the House of Representatives, they have pre-

presented to the Governor for approbation, two bills, entitled as follow, *to wit* :

1. “ *An act to enable Israel Roberts, John Ogden, and William Lewis, junior, guardians of the minor children of Seth Pancoast deceased, to sell and convey certain real estate therein mentioned.*”

“ 2. “ *A supplement to an act entitled, “ An act directing the mode of settling accounts in the Land-Office, and to prevent frauds in obtaining land warrants.”*”

Adjourned till 10 o'clock, to-morrow morning.

Monday, March 14, 1808.

Mr. Brady, from the committee to whom was referred on the twelfth instant, the representation of Cadwallader Evans, junior, John Lyon, and Joseph Hiester, commissioners appointed for the collection of certain debts due the Commonwealth; on leave then given reported the bill entitled, “ *A supplement to an act entitled, “ A supplement to an act entitled, “ An act for the more speedy and effectual collection of certain debts due to the Commonwealth;*” which was read the first time.

Mr. Campbell, from the committee to whom was referred on the third instant, the petition of John Maloney; on leave now given, reported the bill entitled, “ *An act for the relief of John Maloney;*” which was read the first time.

The bill entitled, “ *An act for the improvement of the state,*” was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Pennell in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

The Deputy-Secretary of the Commonwealth presented a message from the Governor; which was read, as follows, *to wit* :

"To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

"GENTLEMEN,

"I HAVE this day approved and signed the following acts of the General Assembly, and directed the Secretary to return the same to the House of Representatives, in which they originated, viz.

1. *"An act to enable Israel Roberts, John Ogden, and William Levis, junior, guardians of the minor children of Seth Pancoast, deceased, to sell and convey certain real estate therein mentioned."*

2. *"A supplement to the act entitled, "An act to direct the mode of settling accounts in the Land-Office, and to prevent frauds in obtaining warrants for land."*

"THOMAS M'KEAN.

"Lancaster, March 14, 1808."

Adjourned till 10 o'clock, to-morrow morning.



Tuesday, March 15, 1808.

Mr. Dorsey presented the memorial and remonstrance of the people called Quakers; stating, That they view with concern, a principle in a bill now before the Legislature for the further regulation of the militia, which bears more severely than any penalty heretofore in use, on their conscientious scruples; and, as their ancestors sought refuge from persecution in this then wilderness, under the sanction of William Penn, who, by a solemn compact, granted them a charter of privileges which they have never forfeited, and which they conceive ought not to be violated—they therefore remonstrate against the carrying so severe a penalty, as that contemplated by the said bill, into effect. And the same was read, and

Laid upon the table.

Mr. M'Arthur, from the committee appointed, reports; That they have carefully attended to the grievances of actual settlers, as set forth in their petitions; and, after having adverted to the law of the third of April, one thousand seven hundred and ninety-two, and to

various other facts noticed in their petitions, are convinced that the grievances of which they so justly complain, have too long existed without sufficient redress, and ought promptly to be remedied by such means as the Legislature may deem most eligible and prudent. By an investigation of the subject, the committee have, from its nature, been led into the following observations :

The State, as a sovereign government, must have a right to exercise dominion over her own territory, by such laws as she may think most likely to promote the happiness of the citizens, by securing to them their property, which, in the most numerous class, is their labor. Under the authority of the law of one thousand seven hundred and ninety-two, the State, in her legislative capacity, promulgated the conditions, and prescribed the terms, on the fulfilment of which, titles should issue.

The framers of the law of one thousand seven hundred and ninety-two, appear to have had one principal object in view, which was, the settlement of that frontier of the state, offered to such persons, only, who would cultivate, improve and settle the same, or cause the same to be cultivated, improved and settled; to effect which object, certain conditions of improvement and residence were made indispensable to be performed by each warrantee, respectively, before any title should vest in, or to the lands in any warrant mentioned. Hence it appears to have been stipulated by the act, for the purpose of effecting the primary object, that no warrant should be granted to any applicant for a quantity of land exceeding four hundred acres, and that each tract of land was the subject of a distinct grant, and that the condition precedent attaches to each tract.

That the Legislature had chiefly in view the settlement of that frontier by an intrepid yeomanry, must farther appear from this fact : that the state, not long before she offered the lands in the western districts for settlement at the rate of twenty cents per acre, had paid for part of the same lands thus offered for settlement, at the rate of seventy-five cents per acre. Hence it must evidently appear, that pecuniary motives, or replenishing the Trea-

sure from the sale of those lands, was not the only policy of the Legislature at that period. From the requisitions of the act, it manifestly appears, that the *intention* of the Legislature was to guard against a sordid propensity to speculation and monopoly in lands, that too much prevailed about that time; hence it was that a particular description of the land applied for, was required of each applicant for a warrant, accompanied with an expression or declaration, that the applicant was desirous to settle and improve a plantation before a warrant issued. With all these precautions however, it is too true, that an association of wealthy foreign speculators, and some others, citizens of our own and a neighboring state, have, by management, in a great measure evaded the legislative solicitude to promote the agricultural interests of the frontier settlements.

Although two kinds of *inception* of title are contradistinguished by the appellation of *actual settlers* and *warrantees*, it ought not to be forgotten, that both classes, from the spirit of the law, must be actual settlers, and both of them warrantees before a legal title can vest to either of them; but the distinction seems to arise from this circumstance, that those who gain an inception of title from settlement alone, are known by the name of actual settlers; and the others who gain an inception of title by warrant only, are known by the name of warrantees. The actual settler nevertheless cannot procure a title from the state, unless he first procures a warrant as prescribed by the law, and that can only be done by paying the purchase money, and the usual fees of the land-office; which, when done, the person who was before an actual settler, becomes a warrantee: in pursuance of which warrant, the Deputy-Surveyor was authorized to make return of survey into the Surveyor-General's office, on which a patent of confirmation may be issued to the warrantee, his heirs, or assigns. And it indubitably appears by the tenth section of the act, that even a settlement for ten years does not vest a title; and that no warrant shall be issued until the purchase money shall be paid to the Receiver-General of the land-office.

The warrantee, who set forth in his application, that he

was *desirous* to settle and improve a plantation, and in which a particular description of the land applied for was required, and on which a warrant issued, and his primary inception of title was founded thereon alone, could not, agreeably to the express letter of the law, sustain the incipient title by virtue of the warrant for a longer period than two years from the date of the warrant; unless the grantee performed the conditions of improvement and residence as stipulated in the act. The enacting clause of the ninth section is in these words: "That no warrant or survey to be issued or made in pursuance of this act, for lands lying North and West of the rivers Ohio, and Allegheny, and Conewango creek, shall vest any title in or to the lands therein mentioned, unless the grantee has, prior to the date of such warrant, made or caused to be made, or shall within the space of two years next after the date of the same, make or cause to be made an actual settlement thereon, by clearing, fencing, and cultivating at least two acres for every hundred acres contained in each survey," &c.

From the above recited clause it unequivocally appears, that the warrantee must also be an actual settler, either by himself or the intervention of another person in his stead, before a legal title can possibly vest to the warrantee, his heirs, or assigns. In pursuance of the collision of construction of the act of one thousand seven hundred and ninety-two, and particularly the proviso of the ninth section, has arisen the hardships which the petitioners have undergone, and the grievances of which they complain; because the courts of the United States clash in their construction and decisions, against the construction and decisions of the courts of Pennsylvania: under this judicial conflict of adjudications, there is nothing to be expected but delay and embarrassment, as it respects distributive justice, and the peace and prosperity of the state. The proviso of the ninth section reads thus: "Provided always, that if any actual settler or any grantee, in any original or succeeding warrant, shall, by force of arms of the enemies of the United States, be prevented from making such actual settlement, or be

driven therefrom, and shall persist in his endeavors to make such actual settlement as aforesaid, then, in either case, he and his heirs shall be entitled to have and to hold the said lands in the same manner as if the actual settlement had been made and continued." The law of the third of April, one thousand seven hundred and ninety-two, is a rule of civil conduct prescribed by the supreme power of the state, and respects cases, not persons; therefore whatever is *right* or *wrong* in a warrantee, with respect to an actual settler, would be *just* the same in an actual settler, with respect to a warrantee, if the case was inverted. With a desire to be understood as we proceed, it may perhaps not be improper to observe, that it has been admitted as a principle, that the same word has or ought always to have the same radical import, in whatever different situations it may be placed: from an ambiguity of expression in the proviso of the ninth section, it is apprehended all the evil from the conflicting claims of the warrantees and actual settlers which now exists, has arisen, it might therefore perhaps not unusefully be inquired, what is it that is indispensably necessary to be done by an individual, who founds his inception of title on settlement alone, so as to bring such individual within the protection of the proviso, and excuse him from making the improvement and residence as enumerated in the enacting clause of the ninth section? The plain answer would seem to be this: the first possession of the land, with an *intention* of residing and performing all the requisitions of the act, or occupancy after the abandonment of another person with the like intention, though such settler had not finished a messuage fit for the habitation of man, nor cleared, fenced, and cultivated, and is prevented or forced off by the enemies of the United States, before he had time to make the improvement and continue the settlement; his once having had an inception of title by occupancy, and his having been prevented by *force*, or driven therefrom, his endeavors and earnest persistence shall entitle him to have and to hold, the said land, in the same manner, as if the actual settlement had been made and continued. The obligations of an individual, whose

inception of title is founded on a warrant only, is perhaps something more complicated, than that founded on settlement; but does not appear to the committee, to be either extremely ambiguous or inconsistent. In case of a warrantee whose inception of title is founded on a warrant, it is admitted, that he may either settle the land described in his warrant, or cause it to be done by another person in his stead; but, as it appears from the law, he was required to make the improvement of two acres, for every hundred acres contained in one survey, &c. this is indispensable, should no force or prevention occur: but we hold that the incipient by warrant ceases within two years if not continued by occupancy, because an intention or a desire to settle, unless an action is produced, goes for nothing if not commenced in two years from the date of the warrant: for we cannot conceive how any person can be forced from doing an action, before the action came into existence; nor can we conceive how any person can be driven from any particular tract of land, unless the person was at that tract. Hence it is reasonable to conclude, that the occupancy is indispensably necessary to bring the warrantee within the protection of the proviso, so as to excuse him from the requisitions of improvement, &c. And although the warrantee had neither erected a messuage for the habitation of man, nor cleared, fenced, or cultivated a field, yet if prevented by force of arms of the enemies of the United States, from making such actual settlement, or be driven therefrom, he comes within the meaning of the proviso; because, the word "force," if we are well informed of its pure primitive sense, expresses the exertion or action of one or more sentient beings. In the same manner the word "*from*," relates to every thing to which beginning relates, either of *motion* or of *time*. Of motion from any particular *place*, and of the beginning of any particular portion of *time*. The active participle "*making*," always signifies "*action*;" the present, as "*making*," which expresses the action of the verb "*to make*," as going on, but not finished; and the preterite, as "*made*," which expresses

the action of the verb as finished, and therefore in past time.

It is therefore incomprehensible to the committee, how any warrantee could be prevented by force of arms of the enemies of the United States, from the commenced but unfinished action, of making an improvement as enumerated in the enacting clause of the ninth section, on a plantation, where either he, or some other agent for him was not present. It has nevertheless been certified, that certain grantees were prevented from making settlements conformably to the before recited proviso, who were never known to be in that part of the state, in which the land is situate. The constitution of a reflecting mind is such, that it revolts against the doctrine that any person can act, or be acted upon, where he is not present. For if an agent could act in one place, from which he is absent, he might do the same in a second, in a third, and in all places; and thus there might be action without an agent. If a warrantee was prevented or driven either by himself or his agent, off any particular tract of land, as described in the warrant, that is a fact that will admit of proof. The terms set forth in the law of one thousand seven hundred and ninety-two, held out a prospect of advantage or a reward, to persons of enterprize, who were desirous to improve a plantation in that part of the state specified in the law: under all the circumstances which then existed, or that might afterwards exist, the *intention* of the Legislature may be best ascertained from the circumstances of that frontier part of the state, at the period the law was enacted. Before and after the time the law was passed, Indian hostility subsisted in that part of the state. Therefore the terms expressed in the grant, were accommodated to the exigencies of the period which gave it birth. The conditions of improvement and settlement as prescribed in the ninth section of the act, of one thousand seven hundred and ninety-two, or that which the proviso admits as a substitute for what is detailed in the enacting clause of that section, seems to be an indispensable requisition to the vesting of a title. Until the condition precedent was performed, no estate could vest; and unless the estate had vested,

no forfeit could take place. The non-performance of the condition precedent, renders void the estate which depended on the condition to be performed. The settlement of the frontier of the state, was a species of free military service, and had a kind of relation to the ancient knight service. An object of enterprize, contingent in its nature, was proposed; but there is nothing in the law compulsory to *constrain* an individual to do a service for the state or the public, which he might think inconsistent with his *inclination* or *interest*. The covenant originated in the voluntary choice of the individual himself; and if he did not perform his covenant, the default is the consequence of the warrantee's own breach of the contract: therefore, where the warrantee fails, the state is defensible, on the principles of morality and fair dealing, to issue rights to other persons who have fulfilled all the requisitions of the law; and it would be a dereliction of justice, for the state to do otherwise, and not only so, but also guarantee the same to the settler, where a default had occurred.

That the nature and circumstances attending the settlement of that part of the state, must have been anticipated and well understood, will satisfactorily appear, by adverting to the articles of association of the Pennsylvania population land company, from which the following is an extract:

“17. That the president and managers be authorized, either by obtaining from the public, or at the expence of the *company*, to supply the effective men, who may settle on the company's land, with arms, ammunition, and accoutrements, so long as may be necessary for defence; that they shall be regularly officered and organized according to the militia laws, and the company will use their endeavors with government to obtain pay and subsistence for the services of the effective men armed as aforesaid, when their services may be requisite for defence, either in garrison or otherwise, as they may be instructed.”

It will appear on an examination of the original and succeeding warrants, issued under the law of the third of April, one thousand seven hundred and ninety-two, that they recognize an obligation on the grantee, to perform

the condition precedent as enumerated in the law, in these words: "To the said A. B. his heirs and assigns, he or they cultivating, improving, or settling the same, and complying with all the conditions and requisitions of the last recited act expressed." This is a farther evidence of what was recognized by the parties interested, and what each respective grantee engaged to perform, when the warrants were issued.

Perhaps the settling the lands in the country, North and West of the rivers Ohio, and Allegheny, and Conewango creek, was not impracticable at any time since the third of April, one thousand seven hundred and ninety-two, because a few families settled on French creek, before the date of the act. This settlement was about ninety miles from Pittsburgh, and at least fifty miles from any other settlement East of the Allegheny river, some of whom have resided in that part of the country, to the present time. This being matter of fact, the natural inference should be, that any warrantee who was desirous to settle and improve a plantation in that part of the state, might have, with equal safety and success, made a settlement, as those did who gained an incipient of title by improvement and settlement alone.

The committee further state, That very few warrants in cases of default were issued before March term, one thousand eight hundred, when the writ of mandamus was issued against Tench Coxe, esquire, then Secretary of the Land-office, to coerce him to issue patents to the Holland land company, contrary to what he conceived to be conformable to the act of the third of April, one thousand seven hundred and ninety-two; because the condition precedent had not been performed according to law. The judges of the supreme court however confirmed the principle adopted by the Secretary of the Land-office, by ordering the writ of mandamus to be dismissed, which was a decision in favor of the Commonwealth. Judge Yeates, in his construction of the ninth section, expresses himself thus: "Every warrant holder shall cause a settlement to be made on his lands within two years, next after

the date of his warrant, and a residence thereon for five years next following the first settlement, on pain of forfeiture by a new warrant. Nevertheless, if he is to be interrupted or obstructed by external *force*, from *doing* these *acts* within the limited periods, and must afterwards persevere in his efforts in a reasonable time after the removal of such force, until those objects are accomplished, no advantage shall be taken of him for the want of successive continuations of his settlement."

"A due conformity to the provisions of the act, is equally exacted of those who found their preference to lands on their personal *labor*, as of those who ground it on the payment of money. I know of no other distinctions between these *two sets of land-holders*, as to actual settlement and residence, than that the claims of the former must be limited to a single plantation, and the labor be executed by them, or under their direction; while the latter may purchase as many warrants as they can, and make, or cause to be made the settlements required by law." Much more, equally pertinent, might be added from the construction of the learned judge, to which judge Smith gave full assent. This construction of the act is of the highest judicial authority in the state, and may be fairly admitted as establishing a general principle as to the default. And the board of property, having the privilege and authority by law to exercise certain judicial powers, (see laws of Pennsylvania April fifth, one thousand seven hundred and eighty-two, and January the eighth, one thousand seven hundred and ninety-one,) did prescribe certain *forms* of application, suited to the circumstances of actual settlers, who had settled on lands in that part of the state, of which default had occurred; which form required the deposition of the applicant, accompanied with the depositions of two disinterested persons of the vicinage, taken before two justices of the peace of the county, and the certificate of the Deputy-Surveyor. And, on which evidence, succeeding warrants were issued by the Secretary of the Land-office, reciting that default had occurred to such applicants, as adduced satisfactory evidence that their case came within the

meaning of the act. Conformably to the former, with respect to principle, was the decision of the supreme court held at the court-house, in the town of Sunbury, in the county of Northumberland, under the authority of an act passed the second day of April, one thousand eight hundred and two, on the following questions, *to wit* :

“Are warrants heretofore granted under the act of the third of April, one thousand seven hundred and ninety-two, valid and effectual in law against this Commonwealth, so as to bar this Commonwealth from granting the same land to other applicants under the act aforesaid, in cases where the warrantees have not fully and fairly complied with the conditions of settlement, improvement, and residence, required by the said act, at any time before the date of such warrants, respectively, or within two years after ?

“Are the titles that have issued from the Land-office, under the act aforesaid, whether by warrant or patent, good and effectual in law against this Commonwealth, or any person claiming under the act aforesaid, in cases where such titles have issued on the authority, and have been grounded upon the certificates of two justices of the peace, usually called prevention certificates, without any other evidence being given of the nature and circumstances of such prevention, whereby, as is alledged, the conditions of settlement, improvement, and residence required by the said act, could not be complied with ?”

This judicial sanction, given by the supreme court, to the measures of the Secretary of the Land-office, by deciding on the two questions before recited, is analogous in principle to the former decision, as respects the right of the state to issue new warrants in cases of default. Therefore, the board of property, in pursuance of the discharge of the duties enjoined on them in their judicial capacity, were bound to inquire for themselves, whether settlements had been completed, or the warrantees had *prevented* by *external force* of arms, within the meaning of the law. The granting of new warrants was a duty that peculiarly devolved on the Secretary of the Land-office ; but in all cases, in

relation to titles of land in which difficulty might arise, or the important interests of the state might be involved, he would, agreeably to the usual mode of transacting business in that department, not enter into any premature measure without consulting the other members of the board of property for their approbation. From the cautious measures adopted by the officers of the Land Department under the law of the third of April, one thousand seven hundred and ninety-two, it does appear to the committee, that due proof was required by the Secretary of the Land-office, of the *state, situation, and circumstances* of any particular tract of land applied for, before a new warrant issued on default thereof; and that such proof as was admissible must have been adduced, else a warrant could not issue to any applicant. The opinion of the committee therefore is, that, in all cases where an applicant has made just and true statements, solemnly authenticated to the Secretary of the Land-office, that the state is under a moral obligation to guarantee the land thus granted, or an equitable remuneration for the indemnification of any succeeding warrantee who has fully and fairly fulfilled the conditions of the law. Justice and fair dealing require, that all parties should be ingenuous in making agreements; faithful and punctual in fulfilling them. The state, as well as an individual person may dispense with her right, should the dispensation of the right not militate to the wrong of any other person; but an obligation ought always to be performed. Hence the committee are of opinion, that, in the first instance, the state should settle her right to these lands with the original warrantee, their heirs, or assigns. If *they* have a right to the lands in dispute, the state has assumed *dominion* over property, that did not belong to her, wrongfully. The state either has a right, or she has not a right to grant succeeding warrants to actual settlers in cases of default: and whether she has or not, ought promptly to be ascertained, that justice may be done to *all concerned*, and the peace of the community preserved. Whether she has a right or has not a right to dispose of the lands, it must be obvious, that neither *loss* nor *blame* should

attach to the unsuspecting, industrious, actual settler, who has performed all the requisitions as detailed in the law; and all the punctilios of proof, which has been thought sufficient to be admitted by the Secretary of the Land-office.

Judge Blackstone defines the term intrusion, thus: "It happens," says he, "where a tenant for a term of life dieth seised of lands and tenements, and a stranger entereth thereon, after such death of the tenant, and before any entry of him in remainder or reversion." The committee have adopted the definition of the learned judge; but are not willing to admit the hasty inference of the Governor, in his communications to the Legislature to be either consistent with the above recited *definition*, or with the provisions of the act of the third of April, one thousand seven hundred and ninety-two, and are therefore of the opinion, that the person alluded to, is not an *intruder*: unless the entering on lands where no one had a title before, is an *intrusion*. Because the law of one thousand seven hundred and ninety-two, appears to be only a modification, limiting, and defining the ancient text, "*Terram dedit filiis hominum*;" which is to be understood to those who will till it, and so make it yield fruit, and that is, "he that entereth into it where no man had it before." If then the entry of William Foulks, on the lands he claims, was an intrusion, it would follow as a consequence, that all those who have settled on lands North and West of the rivers Ohio, and Allegheny, and Conewango creek, where no one had it before; or which generally belonged to all the citizens of the state, but particularly to none of them, are *intruders*. The law of the third of April, one thousand seven hundred and ninety-two, gives two years to a warrantee to make certain improvements; but if these improvements are not made, or the requisitions defined in the law to be equivalent thereto, within the time specified; "then it shall and may be lawful, to and for this Commonwealth to issue new warrants to *other actual* settlers for the said lands, or any part thereof." By this clause, the Commonwealth has retained the right to issue new warrants, as necessity may require, until the object is

accomplished, which was the *intention* of the Legislature to effect: for if the condition precedent is not complied with, it becomes *publici juris*, once more, and is liable to be again appropriated by the next occupant, who is under the protection of the law. Hence it appears, that in all cases where settlement on lands is the only means of vesting a title, some person must be the first possessor; but it will not follow from thence, that such a person is an *intruder*. The very essence of the law of one thousand seven hundred and ninety-two, consists in this, that no warrant or survey shall vest any title in or to the lands therein mentioned, unless the respective grantees fulfil the conditions precedent of the act. From the proof produced by William Foulks to the Secretary of the Land-office, and on which a warrant on default issued to him, reciting, that it was "the same tract of land which was heretofore surveyed in pursuance of a warrant dated the fourteenth day of April, one thousand seven hundred and ninety-two, granted to Stephen Page." And it also appears from the said proof, that he had commenced an improvement on the said tract, before the date of the warrant issued to Stephen Page; that at the time the said warrant was executed by the Deputy-Surveyor, he was residing on the said tract. That on the eleventh day of March, one thousand eight hundred and six, when the warrant on default was issued to him, he had eighty acres of land on said tract cleared, fenced, and cultivated; a house two story high, and a double barn erected thereon. From this view of the subject, it appears to the committee that such an actual settler, who endeavors honestly to conform to the law prescribed as a rule of conduct, and adduces such evidence as the Secretary of the Land-office or board of property requires, and approves by issuing a succeeding warrant to him where default had occurred, cannot, in the opinion of the committee, be an intruder: and it also appears to the committee, that many of those *petitioners*, who have settled on lands two years after the date of any warrant, in that part of the state which requires the condition precedent to be performed, and on which the original grantee, or his special agent, had not commenced an

improvement and settlement, conformably to the meaning of the act, are now subjected to sufferings and wrongs, calamitous in their nature, and intolerable to be borne: for, though the laws of the Commonwealth may take cognizance of their case, yet no advantage is to be derived therefrom; because, by the contrivance of opulent men associating themselves into different land companies, and designated by various names, they can, by fictitious transfers and leases, and from the circumstance, that a part of these companies being foreigners, they take the advantage both of the state and the settler in possession, under the right of the state, by commencing suits in the circuit court of the United States, where those against whom writs of ejectment are brought, are unable to attend at so great a distance, and such accumulated expence as must necessarily ensue.

The safety and happiness of the people, is the supreme law, and the end of all good government. When it so happens that the administration of the laws does not secure the right of property to the whole community, (which may sometimes happen to be the case) then, such of the community as suffer wrong, or whose right to property is not secured, are disappointed in their expectations; and the essential end of government is frustrated. Because, if no protection is derived to those who suffer wrong, it is the same thing to the sufferers as if there was no law. It is true, that power and right have too often been made controvertible terms; but, if one man is stronger than another, the superior strength of the stronger man, gives him no right to rob a weaker man of his money, or to usurp his property. And the committee cannot perceive any difference, as respects the immutable principles of justice, between taking a man's property from him by force, or the more *insidious* manner of wresting it unjustly from him, by the ceremony of legal forms, embarrassment, and chicane.

Upon the whole of the investigation, which has been diligently devoted to the subject; and in all the points of view in which the committee have endeavored to present it for consideration, they are of opinion, that, unless

effective means are speedily adopted for putting a final end to the jarring adjudications which have lately taken place between our state courts, and the courts of the United States, an indelible reproach must inevitably attach to the policy of the administration, as respects the peace and prosperity of the frontier settlements of the state. Every one who is not callous to the feelings of humanity, must deplore the fatal effects that have recently taken place in the county of Beaver, from the *cause* of conflicting claims to lands. To prevent similar evils in future, sound policy should dictate to remove the *cause*, that the evil consequences may cease; which, in the opinion of the committee, cannot finally be done by the usual course of judicial proceedings, and therefore offer the following resolution :

Resolved, That a committee be appointed to bring in a bill for the purpose of ascertaining and deciding, whether the Commonwealth has a right to, and can, exercise dominion legally over certain lands North and West of the rivers Ohio, and Allegheny, and Conewango creek, by granting the same lands to any actual settlers who have not entered into contracts with the original warrantees in cases where default has occurred.

Ordered, That the usual number of copies of the said report be printed for the use of the Members.

The Clerk of the House of Representatives presented for concurrence, the bills entitled as follow, *to wit* :

1. "An act appropriating the State-house in the city of Philadelphia, to the use of Congress, if within a limited period the seat of the National Government should be removed to the said city of Philadelphia."

2. "An act incorporating the Roman catholic congregation of Christ's church, in the borough of West-Chester, in the county of Chester; and for other purposes therein mentioned."

3. "An act authorizing the Governor to contract with John Bioren to print the laws of this Commonwealth."

4. "An act declaring Little Juniata river, in the county of Huntingdon, a public highway."

5. "A supplement to an act entitled, "An act to enable the Governor of this Commonwealth, to incorpo-

rate a company to make an artificial road from the Susquehanna river, at or near Wright's ferry, to the borough of York."

6. "An act to enable the Governor to incorporate a company for making an artificial road from the city of Philadelphia, by Chad's ford, on Brandywine, to the line of the State, in a direction towards Baltimore."

He returned the bill entitled, "An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house in Mayerstown, in the county of Dauphin."

And informed, That the House of Representatives have passed the said bill without amendment.

The bills presented for concurrence, were severally read the first time.

Mr. Rahm, from the committee to whom was referred on the tenth instant, the petition of the subscribers thereto, inhabitants of Kutztown, in Berks county, on leave now given, reported the bill entitled, "An act to erect the town of Kutztown, in the county of Berks, into a borough;" which was read the first time.

The bill entitled, "*A supplement to an act entitled, 'A supplement to an act entitled, 'An act for the more speedy and effectual collection of certain debts due to the Commonwealth,'*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Sommer in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

The bill entitled, "*An act for the improvement of the state,*" was read the second time as reported by committee of the whole yesterday, and considered by section.

Section I. being under consideration:

A motion was made by Mr. Roberts and Mr. Pennell, to amend the section, by striking out the provision for the subscription of "*two hundred and fifty shares in the Wilkesbarre and Easton turnpike.*"

On which motion,

They required the Yeas and Nays; and upon, the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Blocher,
2. Mr. Hart,
3. Mr. Martin,
4. Mr. M'Arthur,
5. Mr. Miller,
6. Mr. Mitchell,

NAYS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Heston,
7. Mr. Hiester,

YEAS.

7. Mr. Pennell,
8. Mr. Rankin,
9. Mr. Roberts,
10. Mr. Vance,
11. Mr. Lane, *Speaker*.

NAYS.

8. Mr. Laird,
9. Mr. Lattimore,
10. Mr. Mayer,
11. Mr. Rahm,
12. Mr. Slaymaker,
13. Mr. Sommer,
14. Mr. Wayne.

Eleven Yeas and fourteen Nays; by which it appeared, that the question was determined in the negative.

A motion was made by Mr. Pennell and Mr. Roberts, to amend the section, by inserting a provision authorizing the Governor to subscribe for "*two hundred and fifty shares in the Downingstown, Ephrata, and Harrisburg turnpike road company*;" and required the Yeas and Nays on the motion.

Whereupon, after debate,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Hart,
2. Mr. Martin,
3. Mr. M'Arthur,
4. Mr. Pennell,

NAYS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Dorsey,
5. Mr. Gress,
6. Mr. Harris,
7. Mr. Heston,

YEAS.

5. Mr. Rahm,
6. Mr. Roberts,
7. Mr. Vance.

NAYS.

8. Mr. Hiester,
9. Mr. Laird,
10. Mr. Lattimore,
11. Mr. Mayer,
12. Mr. Miller,
13. Mr. Mitchell,
14. Mr. Rankin,

15. Mr. Slaymaker,

17. Mr. Wayne,

16. Mr. Sommer,

18. Mr. Lane, *Speaker*.

Seven Yeas and eighteen Nays; by which it appeared, that the question was determined in the negative.

A motion was made by Mr. Pennell and Mr. Roberts, to amend the section, by striking out the provision for the subscription of "*six hundred shares in the Centre turnpike road;*" and required the Yeas and Nays thereon.

Whereupon, after debate,

On the question being put, the Members voted as follow, *to wit* :

YEAS.

1. Mr. Blocher,
2. Mr. Hart,
3. Mr. Martin,
4. Mr. M'Arthur,
5. Mr. Mitchell,

NAYS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Heston,
7. Mr. Hiester,
8. Mr. Laird,

YEAS.

6. Mr. Pennell,
7. Mr. Rankin,
8. Mr. Roberts,
9. Mr. Vance,
10. Mr. Lane, *Speaker*.

NAYS.

9. Mr. Lattimore,
10. Mr. Mayer,
11. Mr. Miller,
12. Mr. Rahm,
13. Mr. Slaymaker,
14. Mr. Sommer,
15. Mr. Wayne.

Ten Yeas and fifteen Nays; by which it appeared, that the question was determined in the negative.

A motion was made by Mr. Roberts and Mr. Pennell, to amend the section, by changing the provision for the subscription of "*two thousand shares from the Northern to the Southern route of the Pittsburg turnpike road.*"

On which motion,

Mr. Vance and Mr. Martin required the Yeas and Nays; and,

On the question being put, the Members voted as follow, *to wit* :

YEAS.

1. Mr. Blocher,

YEAS.

2. Mr. Brady,

- | | |
|------------------|--------------------------------|
| 3. Mr. Campbell, | 8. Mr. Rankin, |
| 4. Mr. Martin, | 9. Mr. Roberts, |
| 5. Mr. M'Arthur, | 10. Mr. Vance, |
| 6. Mr. Miller, | 11. Mr. Lane, <i>Speaker</i> , |
| 7. Mr. Pennell, | |

NAYS.

1. Mr. Dorsey,
2. Mr. Gress,
3. Mr. Harris,
4. Mr. Hart,
5. Mr. Heston,
6. Mr. Hiester,
7. Mr. Laird,

NAYS.

8. Mr. Lattimore,
9. Mr. Mayer,
10. Mr. Mitchell,
11. Mr. Rahm,
12. Mr. Slaymaker,
13. Mr. Sommer,
14. Mr. Wayne.

Eleven Yeas and fourteen Nays; by which it appeared, that the question was determined in the negative.

A motion was made by Mr. Pennell and Mr. Roberts, to amend the section by striking out the provision which authorizes a subscription of "one hundred shares in the Lancaster, Elizabeth-town, and Middletown turnpike road company."

On which motion,

The Yeas and Nays were required by Mr. Pennell and Mr. Roberts.

Whereupon,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Hart,
2. Mr. Martin,
3. Mr. M'Arthur,
4. Mr. Miller,
5. Mr. Mitchell,

NAYS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Dorsey,
5. Mr. Gress,
6. Mr. Harris,
7. Mr. Heston,
8. Mr. Hiester,

YEAS.

6. Mr. Pennell,
7. Mr. Rankin,
8. Mr. Roberts,
9. Mr. Vance,
10. Mr. Lane, *Speaker*.

NAYS.

9. Mr. Laird,
10. Mr. Lattimore,
11. Mr. Mayer,
12. Mr. Rahm,
13. Mr. Slaymaker,
14. Mr. Sommer,
15. Mr. Wayne.

Ten Yeas and fifteen Nays; by which it appeared, that the question was determined in the negative.

A motion was made by Mr. Vance and Mr. Roberts, to amend the section, by striking out the provision which authorizes the subscription of "fifty shares in the Susquehanna and York borough turnpike road company;" and required the Yeas and Nays on the motion.

Thereupon, after debate,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Hart,
2. Mr. Martin,
3. Mr. Mitchell,
4. Mr. Pennell,

NAYS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Dorsey,
5. Mr. Gress,
6. Mr. Harris,
7. Mr. Heston,
8. Mr. Hiester,
9. Mr. Laird,

YEAS.

5. Mr. Rankin,
6. Mr. Roberts,
7. Mr. Vance,
8. Mr. Lane, *Speaker*.

NAYS.

10. Mr. Lattimore,
11. Mr. Mayer,
12. Mr. M'Arthur,
13. Mr. Miller,
14. Mr. Rahm,
15. Mr. Slaymaker,
16. Mr. Sommer,
17. Mr. Wayne.

Eight Yeas and seventeen Nays; by which it appeared, that the question was determined in the negative.

A motion was then made by Mr. Brady and Mr. Miller, to amend the section, by inserting a provision that the Governor shall subscribe to "the stock of that section of the Harrisburg and Pittsburg turnpike road, that lies in the county of Cumberland, three hundred and thirty-three shares; of the stock of that section of the said road that lies in the county of Franklin, two hundred and sixty-seven shares; of the stock of that section of the said road that lies in the county of Bedford, four hundred and fifty shares; of the stock of that section of the said road that lies in the county of Somerset, three hundred shares; of the stock of that section of the said road that lies in the county of Westmoreland, four hundred and fifty shares; of the

stock of that section of the said road that lies in the county of Allegheny, two hundred shares."

A division of the motion was called for, so as to take a question on each sentence in said amendment.

Whereupon,

The Yeas and Nays on adopting the first section of the motion, were required by Mr. Pennell and Mr. Roberts. And,

After debate,

A motion was made by Mr. Vance and Mr. Roberts, to postpone the further consideration of the motion to amend, and the bill, for the present; which was not agreed to.

Thereupon,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Hart,
5. Mr. Martin,
6. Mr. M'Arthur,

NAYS.

1. Mr. Dorsey,
2. Mr. Gress,
3. Mr. Harris,
4. Mr. Heston,
5. Mr. Hiester,
6. Mr. Laird,
7. Mr. Lattimore,

YEAS.

7. Mr. Miller,
8. Mr. Pennell,
9. Mr. Rankin,
10. Mr. Roberts,
11. Mr. Vance,
12. Mr. Lane, *Speaker*.

NAYS.

8. Mr. Mayer,
9. Mr. Mitchell,
10. Mr. Rahm,
11. Mr. Slaymaker,
12. Mr. Sommer,
13. Mr. Wayne.

Twelve Yeas and thirteen Nays; by which it appeared, that the question was determined in the negative.

The other parts of the motion were severally disagreed to.

A motion was then made by Mr. Hart and Mr. Sommer, to amend the section, by inserting a provision authorizing the subscription of "fifty shares in the Bustletown and Smithfield turnpike road company;" and required the Yeas and Nays thereon.

Whereupon,

On the question being put, the Members voted as follow, *to wit* :

YEAS.

1. Mr. Hart,
2. Mr. Martin,
3. Mr. Roberts,

NAYS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Dorsey,
5. Mr. Gress,
6. Mr. Harris,
7. Mr. Heston,
8. Mr. Hiester,
9. Mr. Laird,
10. Mr. Lattimore,

YEAS.

4. Mr. Sommer,
5. Mr. Vance.

NAYS.

11. Mr. Mayer,
12. Mr. M'Arthur,
13. Mr. Miller,
14. Mr. Mitchell,
15. Mr. Pennell,
16. Mr. Rahm,
17. Mr. Rankin,
18. Mr. Slaymaker,
19. Mr. Wayne.
20. Mr. Lane, *Speaker*.

Five Yeas and twenty Nays; by which it appeared, that the question was determined in the negative.

A motion was made by Mr. Roberts and Mr. Pennell, to amend the section, by striking out the provision which authorizes the subscription of "one hundred shares to the stock of the Gap and Newport turnpike road company;" and required the Yeas and Nays on the motion. And,

On the question being put, the Members voted as follow, *to wit* :

YEAS.

1. Mr. Blocher,
2. Mr. Hart,
3. Mr. Martin,
4. Mr. M'Arthur,
5. Mr. Miller,
6. Mr. Mitchell,

NAYS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Heston,

YEAS.

7. Mr. Pennell,
8. Mr. Rankin,
9. Mr. Roberts,
10. Mr. Vance,
11. Mr. Lane, *Speaker*.

NAYS.

7. Mr. Hiester,
8. Mr. Laird,
9. Mr. Lattimore,
10. Mr. Mayer,
11. Mr. Rahm,
12. Mr. Slaymaker,

NAYS.

13. *Mr. Sommer,*

Eleven Yeas and fourteen Nays; by which it appeared, that the question was determined in the negative.

A motion was then made by *Mr. Pennell* and *Mr. Roberts*, to amend the section, by inserting a provision authorizing the subscription of "one hundred shares in the Philadelphia, Brandywine, and New-London turnpike road;" and required the Yeas and Nays on the motion. And,

After debate,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. *Mr. Blocher,*
2. *Mr. Dorsey,*
3. *Mr. Hart,*
4. *Mr. Martin,*

NAYS.

1. *Mr. Brady,*
2. *Mr. Campbell,*
3. *Mr. Gress,*
4. *Mr. Harris,*
5. *Mr. Heston,*
6. *Mr. Hiester,*
7. *Mr. Laird,*
8. *Mr. Lattimore,*
9. *Mr. Mayer,*

NAYS.

14. *Mr. Wayne.*

YEAS.

5. *Mr. Pennell,*
6. *Mr. Roberts,*
7. *Mr. Vance.*

NAYS.

10. *Mr. M'Arthur,*
11. *Mr. Miller,*
12. *Mr. Mitchell,*
13. *Mr. Rahm,*
14. *Mr. Rankin,*
15. *Mr. Slaymaker,*
16. *Mr. Sommer,*
17. *Mr. Wayne,*
18. *Mr. Lane, Speaker.*

Seven Yeas and eighteen Nays; by which it appeared, that the question was determined in the negative.

Whereupon,

A motion was made by *Mr. Brady*, and *Mr. Roberts*, to postpone the further consideration of the section and bill for the present; which was agreed to.

On motion of *Mr. Vance* and *Mr. Wayne*,

The Senate adjourned until half past three o'clock, in the afternoon.

SAME DAY...in the afternoon.

The Speaker laid before the Senate, a letter from the

Deputy-Secretary of the Commonwealth; which was read, as follows, *to wit*:

“*Secretary's-Office, Lancaster, March 15, 1808.*

“SIR,

“AGREEABLY to the directions of an Act of the General Assembly entitled, “An act directing the mode of taking testimony in cases of complaint against justices of the peace,” I have this day laid before the House of Representatives sundry depositions, cross-examinations, interrogatories, and other documents, relating to the case of William Clarke, esquire, one of the justices of the peace for the county of Indiana, taken before Charles Campbell, esquire, one of the associate judges of the said county, received last evening.

I am, Sir, respectfully,

Your obedient servant,

JAMES TRIMBLE, *Dep. Sec.*

*The Honorable the Speaker }
of the Senate. }*

On motion of Mr. Rahm and Mr. Hiester,

Agreed, That the committee of the whole be discharged from the further consideration of the bill entitled, “An act to authorize the Governor to incorporate a company to open a canal from Hunter’s falls on the river Susquehanna or the vicinity thereof, through or near the borough of Harrisburg, into the same river, and for establishing mills and other water-works thereon;” and that the said bill be recommended to the attention of Senate at their next session.

The bill entitled, “*An act to authorize certain persons therein named, to raise by way of lottery, a sum of money to enable them to finish a church in the town of Columbia, and to pay the debts contracted in building the same,*” was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Roberts in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

On motion, and by special order,

The bill entitled, "An act authorizing the Governor to contract with John Bioren, to print the laws of this Commonwealth," was read the second time, and referred to Mr. Brady, Mr. Harris, and Mr. Vance, to consider and report thereon.

The bill entitled, "An act granting an annuity to Jonathan Guy," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Wayne in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

On motion of Mr. Hart and Mr. Roberts,

The said bill was considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

A motion was made by Mr. Wayne and Mr. Harris, to resume the consideration of the bill entitled, "An act for the improvement of the state," postponed for the present, in the forenoon; which was not agreed to.

On motion of Mr. Pennell and Mr. Roberts,

The Senate resumed the consideration of the bill entitled, "An act for the establishment of schools throughout this Commonwealth," postponed for the present, on the twelfth instant.

The consideration of section III. recurring :

A motion was made by Mr. Roberts and Mr. Pennell, to amend the section, by striking the word, "*inhabitants*," from line 20, and inserting in place thereof, "*families*," so that the establishment of school districts shall depend upon the number of families; which was agreed to.

A motion was then made by Mr. Dorsey and Mr. Hiester, to amend the section, so that each school district shall contain at least *twenty-five* families.

Mr. Hart and Mr. Rahm mentioned "*fifteen*."

Mr. Vance and Mr. Mitchell mentioned "*eleven*."

Whereupon,

Questions were severally taken upon the two first, and determined in the negative.

The last number was agreed to.

A motion was made by Mr. Dorsey and Mr. Hiester, to add the following to the end of the section, *to wit*:

Provided also, That, in the laying out of the said district, the number of such districts in any county shall not exceed ;” which was not agreed to.

Thereupon,

The question on adopting the section being put, was determined in the negative.

A motion was then made by Mr. Pennell and Mr. Roberts, to recommit the bill to a select committee; and required the Yeas and Nays thereon. And,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Dorsey,
5. Mr. Gress,
6. Mr. Heston,
7. Mr. Martin,
8. Mr. M'Arthur,

YEAS.

9. Mr. Mitchell,
10. Mr. Pennell,
11. Mr. Rahm,
12. Mr. Rankin,
13. Mr. Roberts,
14. Mr. Vance,
15. Mr. Lane, *Speaker*.

NAYS.

1. Mr. Harris,
2. Mr. Hart,
3. Mr. Hiester,
4. Mr. Laird,
5. Mr. Lattimore,

NAYS.

6. Mr. Mayer,
7. Mr. Miller,
8. Mr. Slaymaker,
9. Mr. Sommer,
10. Mr. Wayne.

Fifteen Yeas and ten Nays; by which it appeared, that the question was determined in the affirmative.

Ordered, That the said bill be referred to the committee to whom it had been before recommitted.

On leave given,

Mr. Brady read a bill in his place; and, by permission, presented the same to the chair, entitled, “An act authorizing the Surveyor-General to cause a re-survey to be made of certain donation lands;” which was read the first time.

Adjourned until 10 o'clock, to-morrow morning.

Wednesday, March 16, 1808.

Mr. Wayne, from the committee to whom was referred on the twenty-third of last month, the tenth item of the report of unfinished business, *to wit*: the bill entitled, "An act for the relief of Francis Johnston," reported the said bill without amendment.

Mr. Dorsey, from the committee to whom was referred on the fifth instant, the petition of A. Bouchiere, on the subject of sugar refining, made report: That, inasmuch as that the memorialist has discovered that he has not had sufficient length of residence within the United States, to entitle him to the rights of citizenship; and, as that in consequence he is desirous of withdrawing his memorial, the committee therefore recommend the following resolution:

Resolved, That the said memorialist be permitted to withdraw his memorial.

Whereupon,

The said report was again read, considered, and the resolution adopted.

Mr. Brady, from the committee to whom was yesterday recommitted the bill entitled, "An act for the establishment of schools throughout the Commonwealth," reported the said bill with one amendment; which was read as reported.

The bill entitled, "An act granting an annuity to Jonathan Guy," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "A Supplement to an act entitled, "A Supplement to an act entitled, "An act for the more speedy and effectual collection of certain debts due the Commonwealth," was read the second time as reported by committee of the whole yesterday, and considered by section.

Section I. was adopted.

Section II. was disagreed to.

A motion was then made by Mr. Sommer and Mr. Dorsey, to introduce the following, to be called section II. *to wit* :

"And be it further enacted by the authority aforesaid, That if the sum of money already appropriated, is not sufficient to discharge the expences of the commissioners, upon a settlement of their accounts by the Comptroller and Register-Generals, a further sum be, and is hereby appropriated to discharge the same; provided such expences do not exceed eight hundred dollars."

On which motion,

The Yeas and Nays were required by Mr. Roberts and Mr. Pennell. And,

On the question being put, the Members voted as follow, *to wit*.

YEAS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Heston,
7. Mr. Lattimore,

NAYS.

1. Mr. Blocher,
2. Mr. Hart,
3. Mr. Hiester,
4. Mr. Laird,
5. Mr. Martin,
6. Mr. M'Arthur,

YEAS.

8. Mr. Mayer,
9. Mr. Miller,
10. Mr. Mitchell,
11. Mr. Slaymaker,
12. Mr. Sommer,
13. Mr. Wayne.

NAYS.

7. Mr. Pennell,
8. Mr. Rahm,
9. Mr. Rankin,
10. Mr. Roberts,
11. Mr. Vance,
12. Mr. Lane, *Speaker*.

Thirteen Yeas and twelve Nays; by which it appeared, that the question was determined in the affirmative.

Section III. being under consideration :

A motion was made by Mr. Pennell and Mr. Roberts, to amend the section, by authorizing the commissioners "to sell or otherwise dispose of the lands which were bid in, and purchased on account of the Commonwealth," agreeably to the provisions of the act, and the act to which this is a supplement; which was not agreed to.

A motion was then made by Mr. Sommer and Mr. Harris, to amend the section, by reducing the commission proposed to be allowed to the commissioners on "the lands bought in on account of the Commonwealth," from "*ten*" to "*five*" per cent. which was agreed to.

Whereupon,

The Yeas and Nays on adopting the section, were required by Mr. Roberts and Mr. Pennell; and,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Heston,
7. Mr. Hiester,
8. Mr. Lattimore,

NAYS.

1. Mr. Blocher,
2. Mr. Hart,
3. Mr. Laird,
4. Mr. Martin,
5. Mr. M'Arthur,

YEAS.

9. Mr. Mayer,
10. Mr. Miller,
11. Mr. Mitchell,
12. Mr. Rahm,
13. Mr. Slaymaker,
14. Mr. Sommer,
15. Mr. Wayne.

NAYS.

6. Mr. Pennell,
7. Mr. Rankin,
8. Mr. Roberts,
9. Mr. Vance,
10. Mr. Lane, *Speaker*.

Fifteen Yeas and ten Nays; by which it appeared, that the question was determined in the affirmative.

The preamble and title having been agreed to:

Ordered, That the said bill be prepared for the third reading.

The Clerk of the House of Representatives presented for concurrence, the bills entitled as follow, *to wit*:

1. "An act to dissolve the marriage contract between Alexander Kerr, and Ruth his wife."

2. "An act to enable the Governor to incorporate a company for making an artificial road, from the South-East side of Perkiomen bridge, in Montgomery county, to the borough of Reading, in the county of Berks."

3. "An act granting a sum of money to Elizabeth Buch, otherwise Pugh, for services rendered by her late husband in the revolutionary war."

4. "An act for the relief of John M'Conohey."

5. "An act to vest in, and confirm to the elders and wardens of the joint congregations of Lutheran and German reformed church of Zion, in Windsor township, in the county of Berks, the title to a tract of land therein mentioned."

Which were severally read the first time.

The bill entitled, "An act to authorize certain persons therein named, to raise by way of lottery, a sum of money to enable them to finish a church in the town of Columbia, and to pay the debts contracted in building the same," was read the second time as reported by committee of the whole yesterday, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The amendments by the House of Representatives on the bill entitled, "An act to fix the number of Senators, form the state into districts, and determine the portion to be allotted to each, also to fix the number of Representatives for the city and the several counties of this Commonwealth, in pursuance of the provisions of the constitution," read on the ninth instant, were again read, and considered separately.

The first amendment (to separate the counties of Berks and Dauphin, so as that each should form a senatorial district) being under consideration:

After debate,

The Yeas and Nays on agreeing thereto, were required by Mr. Mitchell and Mr. Martin; and,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Gress,
4. Mr. Harris,
5. Mr. Heston,
6. Mr. Lattimore,

YEAS.

7. Mr. Mayer,
8. Mr. M'Arthur,
9. Mr. Miller,
10. Mr. Slaymaker,
11. Mr. Sommer,
12. Mr. Wayne.

NAYS.

1. Mr. Blocher,
2. Mr. Dorsey,
3. Mr. Hart,
4. Mr. Hiester,
5. Mr. Laird,
6. Mr. Martin,
7. Mr. Mitchell,

NAYS.

8. Mr. Pennell,
9. Mr. Rahm,
10. Mr. Rankin,
11. Mr. Roberts,
12. Mr. Vance,
13. Mr. Lane, *Speaker*.

Twelve Yeas and thirteen Nays; by which it appeared, that the question was determined in the negative.

The second and third amendments (immediately connected with the first) were severally disagreed to.

The remaining amendments were severally adopted.

Ordered, That the Clerk acquaint the House of Representatives accordingly.

The Deputy-Secretary of the Commonwealth presented a message from the Governor; which was read as follows, *to wit*:

“To the Senate of the Commonwealth of Pennsylvania.

“GENTLEMEN,

“IN compliance with the request of the Senate, on the twenty-first day of January, I have directed the Secretary to deliver to you, the copy of a report received the fourteenth instant, from Rosewell Welles and Alexander Scott, esquires, two of the commissioners for executing the Act of the General Assembly, entitled, “An act for offering compensation to the Pennsylvania claimants of certain lands in the Seventeen Townships within the county of Luzerne, and for other purposes therein mentioned; and the several supplements thereto.

“THOMAS M'KEAN.

“Lancaster, March 16, 1808.”

The report accompanying the message, was read as follows, *to wit*:

To Thomas M'Kean, esquire, Governor of the Commonwealth of Pennsylvania.

The following are the answers, to the several points made by the honorable the Senate, in their resolution passed the twenty-first day of January last past, touch-

ing the commission under the act of the fourth of April, one thousand seven hundred and ninety-nine, and the several supplements thereto, entitled, "An act for offering compensation to the Pennsylvania claimants of certain lands in the Seventeen Townships within the county of Luzerne, and for other purposes therein mentioned."

1. What quantity of land is contained in the Fifteen Townships in Luzerne county; and what quantity is there in each township?

Answer. The quantity of land contained in the Fifteen Townships, is, 252,222 acres.

And the quantity in each township, as follows, *viz.*

	<i>Acres.</i>	<i>Per.</i>
In Salem,	13,587	90
In Huntingdon,	17,247	9
In Newport,	19,683	17
In Plymouth,	15,234	55
In Hanover,	15,776	92
In Kingston,	17,036	54
In Wilkesbarre,	14,519	73
In Exeter,	23,541	90
In Pittstown,	15,418	49
In Providence,	15,644	
In Northmoreland,	16,414	145
In Putnam,	19,371	32
In Braintrim,	14,826	72
In Springfield,	16,465	84
In Claverick,	17,446	100

Total, 252,222 acres, 3 per.

2. What number of acres has therein been certified to the Connecticut claimants, as eligible to be patented?

Answer. The number of acres therein certified to the Connecticut claimants, as eligible to be patented, is one hundred and ninety-one thousand, six hundred and forty-seven acres.

3. What is the amount of money to which the lands so certified have been valued to said claimants; and what is the average price per acre?

Answer. The amount of money to which the land so certified to the Connecticut claimants have been valued at, is sixty-two thousand, and thirty-five dollars; and the average price per acre, is thirty-two cents, and three-tenths.

4. What is the money awarded to the Pennsylvania claimants, for lands released by them to the Commonwealth in said townships?

Answer. The amount of money awarded to the Pennsylvania claimants, in said townships, is about one hundred and nine thousand two hundred and forty-nine dollars. This amount however, as stated, is not taken from the best evidence; it may not be accurate. With the Secretary of the Land-office was deposited a book, containing the estimate; and to that office, for more correct information in this point, the commissioners beg leave to refer. They cannot however but hope, that it may not be considered as obtrusive in them to say, that, be the real amount what it may, it never arose entirely from the valuation of lands exclusively held by patent. In looking into the entries of title made of released land, it is found, that no small portion of the sum above mentioned, arose from lands held only by location and warrant. For lands of this description, much money was due to the Commonwealth; and, after making the deduction, it will not require so great a sum in specie to redeem the certificates, as the holder might otherwise seem to demand, or the case require.

5. What quantity of land has been certified to the Connecticut claimants before the ninth day of April last, not released by the Pennsylvania claimants?

Answer. The commissioners cannot tell, with any great degree of precision. The question seems to presuppose, that all the land which has been certified to the Connecticut claimants, was claimed by Pennsylvania claimants; and yet by the Pennsylvania claimants not wholly released. It will be recollected, that Pennsylvania claimants, claiming, lands in the said townships, were never obliged by the aforesaid act, or by either of the supplements, to submit to the commissioners their titles to, or surveys of any land, but such

as they should release to the Commonwealth. If this position be correct, it is not difficult to see, that no other of their claims would fall within the scope of this commission. If, indeed, the act or either of the supplements had made it imperative upon any Pennsylvania claimant, claiming lands in said townships, to submit his title to the commissioners, whether it was such an one as he could by the provisions of the act release to the Commonwealth, or not, and the commissioners had been directed to cause re-surveys of the land to be made, then, in that case, by plotting down the re-surveys upon the township drafts or maps, information might have been given as to the quantity of unreleased land by the Pennsylvania claimants, embraced by the certificates which issued to the Connecticut claimants prior to the ninth of April last. But it is believed, the act required no such thing of the Pennsylvania claimants, who did not, or could not, by the provisions of said act, release their claims to the Commonwealth; and therefore, in this view of the subject, it is difficult to give an answer with that accuracy which the question seems to require. But being anxious to give every possible information in their power, in a point so important; and, believing at the same time that it would be desirable to receive such as they possess, the commissioners beg leave to state, that, from the best evidence they have, the land certified to the Connecticut claimants before the time aforesaid, and for which no releases by Pennsylvania claimants have been made, is in quantity about one hundred and twelve thousand acres: but it is believed, that the whole of this quantity of land was never taken up by Pennsylvania claimants. In conversing with those best acquainted with the different claims of the Pennsylvania claimants in said townships; *to wit*, the present Deputy-surveyor, together with others who profess to have some knowledge of them, seem to agree, that the most of them which accrued before the war, have been released; and those which accrued since, under the act of one thousand seven hundred and eighty-four, will not exceed ten thousand acres. Of the claims before the war, that have been released, are about eighty-nine thousand and

ninety acres. This quantity of land, added to the claims under the act of one thousand seven hundred and eighty-four, will make ninety-nine thousand and ninety acres; and comprize principally the lands to which the Pennsylvania claimants in the said townships, had any claim prior to the passing of the confirming law, as it was commonly called, in March, one thousand seven hundred and eighty-seven, since which time, some land in the townships, have been taken up under the act of one thousand seven hundred and ninety-two, but how much, it is impossible to tell; but, from every information the commissioners can get, the quantity will not exceed forty-five thousand acres. It is not likely therefore, all the land certified to the Connecticut claimants, for which no releases have been made to the state, was ever claimed by any individual under the state; but much of it belonged to her, at the time the certificates issued, as land never before appropriated.

6. Why were not the record of the proceedings of the commissioners, and the drafts of survey made by their direction, deposited in the offices as directed by law?

Answer. It is believed they were; for, at the opening of the commission this last season, was had from the office of the Secretary of the Land-office to aid the present commissioners in their inquiries, the township surveys of the Fifteen Towns, together with said township papers, and lists of valuation or qualities of land, as adjudged to the Connecticut claimants in those townships, made by the former commissioners; from which circumstance, there is much reason to believe, all the rest of their proceedings were as regularly deposited.

7. What has been the proceedings of the commissioners under the act of the ninth of April last?

Answer. In addition to their former report, made in January last, they have only to observe, that they have adjudged to the Connecticut claimants in the Fifteen Townships, land to the amount of twenty-five thousand acres, which will be comprized in about one hundred and forty certificates, which are mostly made out. It is not probable, under the present provi-

sion of the act, that all the Connecticut claimants who have presented their claims will be able to make out titles; though it is believed, that many of them are seated upon land, to which there is no adverse title of Pennsylvania claims, under the act of one thousand seven hundred and eighty-four. No releases have been received, excepting for about twelve hundred acres; from which circumstance, with a full board, the business of the commission can be brought to a close in a short time.

The commissioners would also wish to correct an error in their report of January last, with respect to the quantity of land which they stated to have been uncertified to the Connecticut claimants, before the act of the ninth of April last, in the Fifteen Townships. The land, instead of amounting to fifty thousand acres, amounted to sixty-one thousand acres. This error resulted from a belief and information of the clerks, that the Fifteen Townships contained only about sixteen thousand acres upon an average; making in the whole two hundred and forty thousand acres: whereas it is now found, upon a correct calculation, that they contain something more than two hundred and fifty-two thousand; from which, after deducting that which had been certified to the Connecticut claimants, it left somewhat more land than was represented.

With respect to the answers given to the first five points made by the resolution, the commissioners cannot vouch for their entire accuracy, as to an acre of land, or a cent in money. Much care has been used to make the calculations as correct as the means and evidence in possession would enable. It therefore is believed, that the answers are not very widely different from the state of facts; and when it is considered, that the aforesaid act of the fourth of April, &c. has well nigh brought to a close, a dispute that has subsisted for so many years; and that a considerable portion of the money expended by the state in carrying the act, &c. into execution, will be reimbursed by the Connecticut claimants, the loss of the state will not be considered as great, or even that loss as much as to be regretted.

It will be found, by looking at the sum with which

the land certified to the Connecticut claimants stands charged, that it amounts to no less a sum than sixty-two thousand and thirty-five dollars and eleven cents. To this sum add four years interest, which will be about fifteen thousand dollars, and twenty-four thousand two hundred and forty-four dollars, (which must be paid on one thousand four hundred and thirty-two certificates that have issued) and, in the aggregate, those sums will form a debt due to the state, of one hundred and one thousand two hundred and seventy-nine dollars. But this not all; the land already adjudged to the Connecticut claimants by the present commissioners, including the patenting fees, will make a further sum in favor of the state, very little (if any) short of nine thousand dollars; and hence, those two sums put together, will form a debt due from the Connecticut claimants to the Commonwealth, of one hundred and ten thousand two hundred and seventy-nine dollars.

All which is respectfully submitted by,
ROSEWELL WELLES,
ALEXANDER SCOTT.

March 4, 1808.

Whereupon, on motion,

Said report was again read, and referred to Mr. Roberts, Mr. Brady, and Mr. Mitchell, to consider and report thereon.

A motion was made by Mr. Wayne and Mr. Harris, to postpone the orders of the day for the present, in order to resume the consideration of the bill entitled, "An act for the improvement of the State;" which was not agreed-to.

The bill entitled, "An act to incorporate the Farmers' and Mechanics' bank," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Hart in the chair) for the further consideration thereof. And,

After some time,

The committee rose, reported progress, and had leave to sit again to-morrow.

On motion of Mr. Wayne and Mr. Pennell,
The Senate adjourned until four o'clock, in the afternoon.

SAME DAY....in the afternoon.

On motion of Mr. Brady and Mr. Harris,
The Senate resumed the consideration of the bill entitled, "*An act for the improvement of the state.*"

The consideration of section I. recurring:

A motion was made by Mr. Harris and Mr. Wayne, who voted in the majority, to reconsider the question (decided yesterday) on the motion of Mr. Brady and Mr. Miller, respecting "*the Southern route of the Pittsburg turnpike road;*" which was agreed to.

Whereupon,

A motion was made by Mr. Brady and Mr. Harris, to amend the section, by inserting a provision authorizing the subscription of "four hundred shares in that part of the road, which lies in the county of Cumberland; and one hundred shares for that part of the same road, which lies between Shippensburg and Chambersburg, in the county of Franklin."

On which motion,

Mr. Pennell and Mr. Harris required the Yeas and Nays.

And, after debate,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Dorsey,
5. Mr. Gress,
6. Mr. Harris,
7. Mr. Heston,
8. Mr. Laird,

NAYS.

1. Mr. Hart,
2. Mr. Hiester,
3. Mr. Martin,
4. Mr. McArthur,
5. Mr. Mitchell,

YEAS.

9. Mr. Lattimore,
10. Mr. Mayer,
11. Mr. Miller,
12. Mr. Rahm,
13. Mr. Slaymaker,
14. Mr. Sommer,
15. Mr. Wayne,
16. Mr. Lane, *Speaker.*

NAYS.

- 6 Mr. Pennell,
7. Mr. Rankin,
8. Mr. Roberts,
9. Mr. Vance,

Sixteen Yeas and nine Nays; by which it appeared, that the question was determined in the affirmative.

A motion was then made by Mr. Roberts and Mr. Hart, to amend the section, by reducing the number of shares proposed to be subscribed to the stock of the Northern Pittsburg road, from "*two thousand*," to "*one thousand five hundred*," and required the Yeas and Nays thereon.

Whereupon, after debate,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Blocher,
2. Mr. Hart,
3. Mr. Hiester,
4. Mr. M'Arthur,
5. Mr. Mitchell,

NAYS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Heston,
7. Mr. Laird,
8. Mr. Lattimore,

YEAS.

6. Mr. Pennell,
7. Mr. Rankin,
8. Mr. Roberts,
9. Mr. Vance,
10. Mr. Lane, *Speaker*.

NAYS.

9. Mr. Martin,
10. Mr. Mayer,
11. Mr. Miller,
12. Mr. Rahm,
13. Mr. Slaymaker,
14. *Mr.* Sommer,
15. *Mr.* Wayne.

Ten Yeas and fifteen Nays; by which it appeared, that the question was determined in the negative.

A motion was made by Mr. Pennell and Mr. Roberts, to amend the section, by lessening the number of shares proposed to be subscribed in the stock of the "Centre turnpike road," from "*six hundred*," to "*three hundred*," and required the Yeas and Nays thereon.

Thereupon,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Blocher,

YEAS.

2. Mr. Hart,

YEAS.

3. Mr. Martin,
4. Mr. M'Arthur,
5. Mr. Mitchell,
6. Mr. Pennell,

NAYS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Heston,
7. Mr. Hiester,
8. Mr. Laird,

YEAS.

7. Mr. Rankin,
8. Mr. Roberts,
9. Mr. Vance,
10. Mr. Lane, *Speaker.*

NAYS.

9. Mr. Lattimore,
10. Mr. Mayer,
11. Mr. Miller,
12. Mr. Rahm,
13. Mr. Slaymaker,
14. Mr. Sommer,
15. Mr. Wayne.

Ten Yeas and fifteen Nays; by which it appeared, that the question was determined in the negative.

Thereupon,

The Yeas and Nays on the section were required by Mr. Pennell and Mr. Roberts. And,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Heston,
7. Mr. Hiester,
8. Mr. Laird,

NAYS.

1. Mr. Blocher,
2. Mr. Hart,
3. Mr. Martin,
4. Mr. M'Arthur,
5. Mr. Mitchell,

YEAS.

9. Mr. Lattimore,
10. Mr. Mayer,
11. Mr. Miller,
12. Mr. Rahm,
13. Mr. Slaymaker,
14. Mr. Sommer,
15. Mr. Wayne.

NAYS.

6. Mr. Pennell,
7. Mr. Rankin,
8. Mr. Roberts,
9. Mr. Vance,
10. Mr. Lane, *Speaker.*

Fifteen Yeas and ten Nays; by which it appeared, that the question was determined in the affirmative.

Section II. was adopted.

Section III. being under consideration:

A motion was made by Mr. Roberts and Mr. Vance, to amend the section, by striking out that part of the funds for carrying the act into effect, which is to arise from "the debt due to the Commonwealth from the Easton Delaware bridge company," and inserting in place thereof, "the debt due by the trustees of the University of Pennsylvania," (on account of the President's house.)

A division of the motion was called for, so that a question be first taken on striking out.

Whereupon,

On the motion to strike out being put, it was determined in the negative.

The section was adopted.

Section IV. was agreed to.

The title of the bill being under consideration :

A motion was made by Mr. Vance and Mr. Roberts, to amend the same, so as to read, "*An act making appropriations to certain incorporated companies within this state.*"

On which motion,

Mr. M'Arthur and Mr. Mitchell required the Yeas and Nays; and,

On the question being put, the Members voted as follow, *to wit* :

YEAS.

1. Mr. Blocher,
2. Mr. Hart,
3. Mr. Martin,
4. Mr. M'Arthur,
5. Mr. Mitchell,

NAYS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Heston,
7. Mr. Hiester,
8. Mr. Laird,

YEAS.

6. Mr. Pennell,
7. Mr. Rankin,
8. Mr. Roberts,
9. Mr. Vance,
10. Mr. Lane, *Speaker.*

NAYS.

9. Mr. Lattimore,
10. Mr. Mayer,
11. Mr. Miller,
12. Mr. Rahm,
13. Mr. Slaymaker,
14. Mr. Sommer,
15. Mr. Wayne.

Ten Yeas and fifteen Nays; by which it appeared, that the question was determined in the negative.

The title was agreed to.

Whereupon,

The Yeas and Nays on the question, "*Shall this bill be prepared for the third reading?*" were required by Mr. Hart and Mr. Roberts; and,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Heston,
7. Mr. Hiester,
8. Mr. Laird,

NAYS.

1. Mr. Blocher,
2. Mr. Hart,
3. Mr. M'Arthur,
4. Mr. Mitchell,
5. Mr. Pennell,

YEAS.

9. Mr. Lattimore,
10. Mr. Martin,
11. Mr. Mayer,
12. Mr. Miller,
13. Mr. Rahm,
14. Mr. Slaymaker,
15. Mr. Sommer,
16. Mr. Wayne.

NAYS.

6. Mr. Rankin,
7. Mr. Roberts,
8. Mr. Vance,
9. Mr. Lane, *Speaker*.

Sixteen Yeas and nine Nays; by which it appeared, that the question was determined in the affirmative.

A motion was made by Mr. Wayne and Mr. Roberts, That Senate meet at nine o'clock in the morning, for the future; which was agreed to.

Adjourned until that hour, to-morrow morning.

Thursday, March 17, 1808.

The bill entitled, "*A supplement to an act entitled, 'A supplement to an act entitled, 'An act for the more speedy and effectual collection of certain debts due to the Commonwealth,'*" was read the third time.

Whereupon,

A motion was made by Mr. Roberts and Mr. Laird, to recommit the bill to the committee of the whole, for the purpose of amending the third section, by grant-

ing a specific sum to the commissioners for the lands bought in by them, in behalf of the Commonwealth, instead of the commission of five per cent.

On which motion,

The Yeas and Nays were required by Mr. Pennell and Mr. Roberts; and,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Blocher,
2. Mr. Hart,
3. Mr. Laird,
4. Mr. Martin,

NAYS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Heston,
7. Mr. Hiester,
8. Mr. Lattimore,

YEAS.

5. Mr. M'Arthur,
6. Mr. Pennell,
7. Mr. Roberts,
8. Mr. Vance.

NAYS.

9. Mr. Mayer,
10. Mr. Miller,
11. Mr. Rahm,
12. Mr. Rankin,
13. Mr. Slaymaker,
14. Mr. Sommer,
15. Mr. Wayne,
16. Mr. Lane, *Speaker*.

Eight Yeas and sixteen Nays; by which it appeared, that the question was determined in the negative.

And, thereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*An act to authorize certain persons therein named, to raise by way of lottery, a sum of money to enable them to finish a church in the town of Columbia, and to pay the debts contracted in building the same,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information that Senate have passed the said bill without amendment.

The bill entitled, "*An act for the improvement of the state,*" was read the third time.

Whereupon,

A motion was made by Mr. Vance and Mr. Roberts, to commit the bill to a select committee, and required the Yeas and Nays thereon; and,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Blocher,
2. Mr. Hart,
3. Mr. Martin,
4. Mr. M'Arthur,
5. Mr. Mitchell,

NAYS

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Heston,
7. Mr. Hiester,
8. Mr. Laird,

YEAS.

6. Mr. Pennell,
7. Mr. Roberts,
8. Mr. Vance,
9. Mr. Lane, *Speaker*.

NAYS.

9. Mr. Lattimore,
10. Mr. Mayer,
11. Mr. Miller,
12. Mr. Rahm,
13. Mr. Rankin,
14. Mr. Slaymaker,
15. Mr. Sommer,
16. Mr. Wayne.

Nine Yeas and sixteen Nays; by which it appeared, that the question was determined in the negative.

Whereupon,

A motion was made by Mr. Pennell and Mr. M'Arthur, to postpone the said bill, and recommend the same to the attention of Senate at their next session; and required the Yeas and Nays thereon. And,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Blocher,
2. Mr. Hart,
3. Mr. M'Arthur,
4. Mr. Mitchell,
5. Mr. Pennell,

NAYS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,

YEAS.

6. Mr. Rankin,
7. Mr. Roberts,
8. Mr. Vance,
9. Mr. Lane, *Speaker*.

NAYS.

6. Mr. Heston,
7. Mr. Hiester,
8. Mr. Laird,
9. Mr. Lattimore,
10. Mr. Martin,

NAYS.

11. Mr. Mayer,
12. Mr. Miller,
13. Mr. Rahm,

Nine Yeas and sixteen Nays; by which it appeared, that the question was determined in the negative.

Thereupon,

The Yeas and Nays on the passage of the said bill, were required by Mr. Pennell and Mr. Laird; and,

On the question, "*Shall this bill pass?*" being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Heston,
7. Mr. Hiester,
8. Mr. Laird,

NAYS.

1. Mr. Blocher,
2. Mr. Hart,
3. Mr. M'Arthur,
4. Mr. Mitchell,
5. Mr. Pennell,

NAYS.

14. Mr. Slaymaker,
15. Mr. Sommer,
16. Mr. Wayne.

YEAS.

9. Mr. Lattimore,
10. Mr. Martin,
11. Mr. Mayer,
12. Mr. Miller,
13. Mr. Rahm,
14. Mr. Slaymaker,
15. Mr. Sommer,
16. Mr. Wayne.

NAYS.

6. Mr. Rankin,
7. Mr. Roberts,
8. Mr. Vance,
9. Mr. Lane, *Speaker*.

Sixteen Yeas and nine Nays; by which it appeared, that the question was determined in the affirmative.

Ordered, That the said bill be returned to the House of Representatives, with information that Senate have passed the same with one amendment, in which the concurrence of that House is requested. Which amendment is, "to authorize the subscription of four hundred shares on the part of the state, to that section of the Harrisburg and Pittsburg turnpike road, which lies in Cumberland county; and one hundred shares in the stock of that section of the same road; (called the Southern route) which lies between Shippensburg and Chambersburg.

The bill entitled, "An act incorporating the Roman Catholic congregation of Christ church, in the

borough of West-Chester, in the county of West-Chester, and for other purposes therein mentioned," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Roberts in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

The Clerk of the House of Representatives presented for concurrence, eight bills, entitled as follow, *to wit*:

1. A supplement to an act entitled, "An act securing to mechanics and others, payment for their labor and materials, in erecting any house or other building within the city and county of Philadelphia."

2. "An act confirming the title of James Robeson to certain lands therein mentioned."

3. "An act for discharging the sureties of Jonathan Penrose, deceased, late sheriff of the city and county of Philadelphia, from the payment of a sum of money therein mentioned."

4. "An act to empower John Wilt and George Shettle, executors of Paul Wilt, deceased, to purchase a tract of land in trust for Philip Weldy, Maria his wife, and her heirs."

5. "An act for the relief of Frederick Rummel."

6. "An act supplementary to an act entitled, "An act to erect the town of Canonsburg, in the county of Washington, into a borough."

7. "An act authorizing the administrators to the estate of Jonas Haverstrite, to convey a lot of land in Abington township, Montgomery county."

8. "A supplement to the act for the regulation of the militia of the Commonwealth of Pennsylvania."

Which were severally read the first time.

Agreeably to order, the Senate resumed in committee of the whole, (Mr. Hart in the chair) the con-

sideration of the bill entitled, "An act to incorporate the Farmers' and Mechanics' bank." And,

After some time,

The committee rose, reported progress, and had leave to sit again, in the evening of this day.

The Clerk of the House of Representatives informed, That that house have not concurred in the amendment by Senate, to the bill entitled, "An act for the improvement of the state;" and, that they insist upon their amendments non-concurred in by the Senate, to the bill entitled, "An act to fix the number of Senators, form the state into districts, and determine the portion to be allotted to each; also to fix the number of Representatives for the city and the several counties of this Commonwealth, in pursuance of the provisions of the constitution."

And he returned the bill entitled, "An act to provide for the erection of a house for the employment and support of the poor, in the county of Cumberland."

And informed,

That the House of Representatives have passed the said bill with one amendment, in which the concurrence of the Senate is requested. The amendment was read as follows, *to wit*:

Section XIV. line 3, strike out the words "*of the county of Cumberland.*"

Whereupon,

On motion of Mr. Wayne and Mr. Brady,

The Senate proceeded to the consideration of the message of the House of Representatives, respecting the bill entitled, "An act for the improvement of the state."

A motion was made by Mr. Pennell and Mr. Roberts, that Senate insist upon their said amendment.

Thereupon,

The Yeas and Nays on the question, "Will Senate insist on their amendment to the said bill non-concurred in by the House of Representatives?" were required by Mr. Pennell and Mr. Laird; and,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Blocher,
2. Mr. Hart,
3. Mr. Martin,
4. Mr. M'Arthur,
5. Mr. Pennell,

NAYS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Heston,
7. Mr. Hiester,
8. Mr. Laird,

YEAS.

6. Mr. Rankin,
7. Mr. Roberts,
8. Mr. Vance,
9. Mr. Lane, *Speaker*.

NAYS.

9. Mr. Lattimore,
10. Mr. Mayer,
11. Mr. Miller,
12. Mr. Mitchell,
13. Mr. Rahm,
14. Mr. Slaymaker,
15. Mr. Sommer,
16. Mr. Wayne.

Eight Yeas and sixteen Nays ; by which it appeared, that the question was determined in the negative.

Ordered, That the Clerk acquaint the House of Representatives, that Senate do not insist on their amendment on the said bill.

On motion of Mr. Vance and Mr. Roberts,

The Senate proceeded to the consideration of the message from the House of Representatives, respecting the bill entitled, "An act to fix the number of Senators, form the state into districts, and determine the portion to be allotted to each ; also to fix the number of Representatives for the city and the several counties of the Commonwealth, in pursuance of the provisions of the constitution."

Whereupon,

Resolved, That Senate do recede from their non-concurrence of the amendments by the House of Representatives, on the said bill. And,

Ordered, That the Clerk acquaint the House of Representatives thereof.

On motion of Mr. Brady and Mr. Wayne,

The Senate adjourned till 7 o'clock, in the evening.

IN THE EVENING.

Mr. Brady, from the committee to whom was refer-

red on the fifteenth instant, the bill entitled, "*An act authorizing the Governor to contract with John Bioren to print the laws of this Commonwealth,*" reported the bill without amendment.

On motion of Mr. Hart and Mr. Pennell,

The Senate resumed the consideration of the sixteenth item of the report of unfinished business, *to wit:*

The bill entitled, "*An act granting to Edward Beeby, a tract of donation land,*" postponed for the present on the seventh of December last.

Whereupon,

Resolved, That said bill be referred to a committee, to consider and report thereon. And,

Ordered, That Mr. Hart Mr. Pennell, and Mr. Wayne, be the committee.

On motion of Mr. Roberts and Mr. Pennell,

The following resolution was twice read, considered, and adopted:

Resolved, That the Comptroller and Register-Generals be, and they are hereby required to lay before Senate, the amount of monies drawn from the Treasury by the Luzerne commissioners; together with any account in detail, they may have submitted for settlement since their last report.

Agreeably to order, the Senate resumed, in committee of the whole, (Mr. Hart in the chair) the consideration of the bill entitled, "*An act to incorporate the Farmers' and Mechanics' bank.*" And,

After some time,

The committee rose, reported progress, and had leave to sit again, to morrow.

Adjourned till 9 o'clock, to morrow morning.

~~~~~  
*Friday, March 18, 1808.*

The bill entitled, "*An act incorporating the Roman Catholic congregation of Christ church, in the borough of West-Chester, in the county of Chester, and for other purposes therein mentioned,*" was read the

second time as reported by committee of the whole yesterday, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act to enable the Governor to incorporate a company, for making an artificial road from the south-east side of the Perkionon bridge, in Montgomery county, to the borough of Reading, in the county of Berks," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. McArthur in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with amendments, which were read as reported.

The Clerk of the House of Representatives presented for concurrence, five bills, entitled respectively as follow, *to wit*:

1. "An act directing the distributing of the digest of the laws of this Commonwealth, in the German language."

2. "An act to amend certain parts of an act entitled, "An act supplementary to the several acts of this Commonwealth concerning partitions, and for other purposes therein mentioned."

3. "An act to exonerate the real estate of Adam Nees, deceased, from a lien, which the Commonwealth is supposed to have on the same."

4. "An act to authorize the commissioners of the county of Northampton, to affirm a contract made with Jacob Stroud."

5. "An act making appropriations for the improvement of the state road leading from Philadelphia, through West-Chester, to Strasburg."

Which were severally read the first time.

Agreeably to order, the report of the committee on the causes of delay in printing the Laws and Journals of the last session, was read the second time, and the resolutions attached thereto, *to wit*:

"Resolved. That it appears, the Secretary of the Commonwealth used commendable exertions to pro-

cure the Laws of the last session of the Legislature, to be printed in the time prescribed by law; but which was in some measure prevented by the Master of Rolls not furnishing the printer with copy.

“Resolved further, That it appears, the Secretary of the Commonwealth did, between the latter end of April and third of June last, employ the printer of the Journal of the House of Representatives (in the English language) to print the articles of war, which were to accompany the militia law; that the said Journal was the last of the Journals delivered into the office of the Secretary, which delivery took place about the middle of August, eighty-nine days later than the time directed by law; and that the Secretary could not but have been aware, that the said printer was under contract (specified in a bond, which bond the Secretary possessed at the time he employed the said printer) to deliver the said journal into the office of said Secretary, on or before the first of June last; and that the delay in the printing and distributing the militia law, &c. and the ill execution of that work, are not justified by the reasons assigned for it by the Secretary,” being under consideration:

A motion was made by Mr. Sommer and Mr. Heston, to postpone the consideration of the said report, generally.

A motion was then made by Mr. Pennell and Mr. Vance, to postpone the consideration of the foregoing motion, for the present; which was not agreed to.

Whereupon,

The Yeas and Nays on the motion to postpone generally, were required by Mr. Heston and Mr. Mitchell; and,

On the question being put, the Members voted as follow, *to wit*:

#### YEAS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Dorsey,
5. Mr. Gress,

#### YEAS.

6. Mr. Harris,
7. Mr. Hart,
8. Mr. Heston,
9. Mr. Hiester,
10. Mr. Laird,

## YEAS.

11. *Mr. Lattimore,*
12. *Mr. Mayer,*
13. *Mr. Miller,*
14. *Mr. Rahm,*

## NAYS.

1. *Mr. Martin,*
2. *Mr. M'Arthur,*
3. *Mr. Mitchell,*
4. *Mr. Pennell,*

## YEAS.

15. *Mr. Slaymaker,*
16. *Mr. Sommer,*
17. *Mr. Wayne,*
18. *Mr. Lane, Speaker.*

## NAYS.

5. *Mr. Rankin,*
6. *Mr. Roberts,*
7. *Mr. Vance.*

Eighteen Yeas and seven Nays; by which it appeared, that the question was determined in the affirmative.

A motion was made by Mr. Heston and Mr. Vance, That when Senate adjourn, the adjournment be till three o'clock, in the afternoon.

Moved by Mr. Sommer and Mr. Wayne,

That the adjournment be till four o'clock.

The question on the last motion being put, was determined in the affirmative.

A motion was then made by Mr. Roberts and Mr. Laird, to discharge the committee of the whole, from the further consideration of the bill entitled, "An act to incorporate the Farmers' and Mechanics' bank."

After debate,

A motion was made by Mr. Harris and Mr. Brady, to adjourn; which was agreed to.

The Senate adjourned until four o'clock, in the afternoon.

*SAME DAY...in the afternoon.*

The Speaker laid before the Senate, a letter from the Comptroller and Register-Generals; which was read as follows, *to wit:*

*Department of Accounts, March 18, 1808.*

SIR,

IN answer to the resolution of the Senate of yesterday, we report, that there has not any monies been drawn from the Treasury, by the Luzerne commissioners; nor has any accounts been submitted by

them for settlement, since our last report to the Senate.

We are your obedient servants,  
**GEORGE DUFFIELD,**  
**JOHN KEAN.**

*The Honorable the Speaker of Senate.*

The Speaker also laid before the Senate, a letter from the Deputy-Secretary of the Commonwealth; which was read as follows, *to wit*:

*" Secretary's-Office, March 17, 1808.*

" SIR,

" Pursuant to their resolution of the ninth instant, I have the honor to lay before Senate, a statement of the contracts entered into between the Commonwealth and individuals, for making and improving roads, and improving the navigation of waters; particularizing the contracts which have been placed in the hands of the Attorney-General.

" Agreeably to the provisions of the Act of the ninth of February, one thousand eight hundred and one, the Comptroller and Register-Generals were furnished with an account of the road and river contracts; and, in order that proceedings might be had thereon, the Attorney-General was furnished with copies of the bonds, accompanying the contracts which had not been completed. These copies were furnished by the former Secretary of the Commonwealth.

" I am, Sir, respectfully,

" Your obedient servant,

" **JAMES TRIMBLE, Dep. Sec.**

" *The Hon. Presly Car Lane, esquire, }  
 Speaker of Senate."* }

The report accompanying the letter, was  
 Laid upon the table.

Mr. Hart, from the committee to whom was referred the sixteenth item of the report of unfinished business, *to wit*:

The bill entitled, "An act granting Edward Beeby, a tract of donation land," reported the said bill with an amendment; which was read as reported.

The consideration of the motion to discharge the committee of the whole, from the further consideration

of the bill entitled, "An act to incorporate the Farmers' and Mechanics' bank," recurring :

The Yeas and Nays on the motion were required by Mr. Roberts and Mr. Pennell. And,

On the question being put, the Members voted as follow, *to wit* :

## YEAS.

1. Mr. Blocher,
2. Mr. Martin,
3. Mr. Mayer,
4. Mr. M'Arthur,
5. Mr. Mitchell,

## NAYS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Hart,
7. Mr. Heston,
8. Mr. Hiester,

## YEAS.

6. Mr. Pennell,
7. Mr. Rankin,
8. Mr. Roberts,
9. Mr. Vance,
10. Mr. Lane, *Speaker*.

## NAYS.

9. Mr. Laird,
10. Mr. Lattimore,
11. Mr. Miller,
12. Mr. Rahm,
13. Mr. Slaymaker,
14. *Mr.* Sommer,
15. *Mr.* Wayne.

Ten Yeas and fifteen Nays; by which it appeared, that the question was determined in the negative:

Whereupon,

Agreeably to order, the Senate resumed, in committee of the whole, (Mr. Hart in the chair) the consideration of the bill entitled, "An act to incorporate the Farmers' and Mechanics' bank." And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

The Clerk of the House of Representatives presented for signature, the bills entitled as follow, *to wit* :

1. "*An act to authorize certain persons therein named, to raise by way of lottery, a sum of money to enable them to finish a church in the town of Columbia, and to pay the debts contracted in building the same.*"

2. "*An act for the improvement of the state.*"

3. "An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house in Mayerstown, in the county of Dauphin."

4. "An act to fix the number of Senators, form the state into districts, and determine the portion to be allotted to each; also to fix the number of Representatives for the city and the several counties of the Commonwealth, in pursuance of the provisions of the constitution."

Whereupon,

The Speaker signed the said bills.

The bill entitled, "An act authorizing the Governor to contract with John Bioren to print the laws of this Commonwealth," was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act to enable the Governor to incorporate a company, for making an artificial road from the city of Philadelphia, by Chad's ford, on Brandywine, to the line of the state, in a direction towards Baltimore," was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The amendments by the House of Representatives on the bill entitled, "An act granting an annuity to Christian Shockey," read on the tenth instant, were again read, considered, and concurred in.

Ordered, That the Clerk acquaint the House of Representatives thereof.

The amendment by the House of Representatives on the bill entitled, "An act to provide for the erection of a house for the employment and support of the poor in the county of Cumberland," read yesterday, was again read, considered, and concurred in.

Ordered, That the Clerk acquaint the House of Representatives thereof.

Adjourned until nine o'clock, to-morrow morning.

*Saturday, March 19, 1808.*

Mr. Miller, from the committee appointed for that purpose, made the following report, *to wit* :

That the committee, in conjunction with the committee of the House of Representatives, yesterday presented to the Governor for his approbation, the bills entitled as follow, *to wit* :

1. "An act to enable the administrators of Peter Ankeny, late of the county of Somerset, deceased, to convey certain lots of ground in the borough of Somerset, to the purchasers thereof."

2. "An act granting an annuity to Thomas Snowden."

3. "An act to afford immediate relief to James Waters, a soldier during the revolutionary war, and to grant him an annuity."

4. "An act to enable certain persons therein named, to sell and convey a messuage and lot of ground, devised by the late John Keble to the corporation of St. Paul's church, in the city of Philadelphia, for the use of aged widows, communicants of said church."

5. "An act declaring Big Mahoning creek, in Armstrong and Indiana counties, a public highway."

6. "An act to authorize Jacob Rudizell and George Kerl, administrators of the estate of George Kerl, deceased, or the survivors of them, to convey a part of a tract of land therein described, to William Young."

7. "An act to alter the time of holding the fairs in the borough of Carlisle, in the county of Cumberland."

8. "An act for the improvement of the state."

9. "An act to authorize certain persons therein named to raise by way of lottery, a sum of money to enable them to finish a church in the town of Columbia, and to pay the debts contracted in the building the same."

10. "An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house in Mayerstown, in the county of Dauphin."

11. "An act to fix the number of Senators, form



the state into districts, and determine the portion to be allotted to each; also to fix the number of Representatives for the city and the several counties of the Commonwealth, in pursuance of the provisions of the constitution."

Moved by Mr. Pennell and Mr. Roberts.

Whereas the constitution of Pennsylvania declares, that "all bills for raising revenue, shall originate in the House of Representatives." And whereas, the bill which originated in, and is now before the Senate, entitled, "An act to incorporate the Farmers' and Mechanics' bank," proposes, that that bank shall pay a premium, by way of tax, for its charter; and all monies coming into the Treasury is necessarily the revenue of the state. Therefore,

Resolved, That it is unconstitutional for Senate to have originated the aforesaid bill, and to pass it on account of bringing revenue into the Treasury.

Ordered to lie upon the table.

The bill entitled, "An act incorporating the Roman Catholic congregation of Christ church, in the borough of West-Chester, in the county of Chester, and for other purposes therein mentioned," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information that Senate have passed the said bill without amendment.

The bill entitled, "*An act authorizing the Governor to contract with John Bioren to print the laws of this Commonwealth,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That the said bill be returned to the House of Representatives, with information that Senate have passed the said bill without amendment.

The bill entitled, "An act to enable the Governor to incorporate a company for making an artificial road from the city of Philadelphia, by Chad's ford, on Bran-

dywine, to the line of the state, in a direction towards Baltimore," was read the third time.

Whereupon,

On the question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information that Senate have passed the said bill without amendment.

The bill entitled, "An act to enable the Governor to incorporate a company, for making an artificial road from the south-east side of the Perkiomen bridge, in Montgomery county, to the borough of Reading, in the county of Berks," was read the second time, and considered by section.

Sections I. to VIII. were severally adopted.

Section IX. being under consideration:

A motion was made by Mr. Mitchell and Mr. Martin, to amend the section, by increasing the width of the summer road, from "*eight feet*," to "*twelve feet*;" which was not agreed to.

The section was adopted.

Section X. was agreed to.

Section XI. (inserted as an amendment in committee of the whole) being under consideration:

The Yeas and Nays on the same were required by Mr. Roberts and Mr. Hart; and,

On the question being put, the Members voted as follow, *to wit*:

#### YEAS.

1. Mr. Hart,
2. Mr. Laird,
3. Mr. Lattimore,
4. Mr. Martin,
5. Mr. M'Arthur,
6. Mr. Mitchell,

#### NAYS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Dorsey,
5. Mr. Gress,
6. Mr. Harris,
7. Mr. Heston,

#### YEAS.

7. Mr. Pennell,
8. Mr. Rankin,
9. Mr. Roberts,
10. Mr. Vance,
11. Mr. Wayne,
12. Mr. Lane, *Speaker*.

#### NAYS.

8. Mr. Hiester,
9. Mr. Mayer,
10. Mr. Miller,
11. Mr. Rahm,
12. Mr. Slaymaker,
13. Mr. Sommer.

Twelve Yeas and thirteen Nays; by which it appeared, that the question was determined in the negative.

The remaining sections, with the title, being agreed to:

Ordered, That the said bill be prepared for the third reading.

The Clerk of the House of Representatives presented for concurrence, the bills, entitled as follow, *to wit*:

1. "A supplement to an act entitled, "An act for the sale of goods distrained for rent, and to secure such goods to the person distraining the same, for the better security of rents, and for other purposes therein mentioned."

2. "An act supplementary to an act entitled, "An act to organize the provisional county of Venango."

3. "An act declaring the marriage of Samuel Hamm and Mary Hamm, (late Mary Beerbrower) to be fraudulent, null, and void."

4. "A further supplement to the act entitled, "An act authorizing the Governor to incorporate a company for making an artificial road from the bank of the river Susquehanna, opposite to the borough of Harrisburg, to Pittsburg."

Which were severally read the first time.

The bill entitled, "*An act to incorporate the Farmers' and Mechanics' bank*," was read the second time as reported by committee of the whole yesterday, and considered by section.

Section I. being under consideration:

After debate,

The Yeas and Nays thereon were required by Mr. Pennell and Mr. Roberts; and,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,

YEAS.

6. Mr. Hart,
7. Mr. Heston,
8. Mr. Hiester,
9. Mr. Lattimore,
10. Mr. Miller.

## YEAS.

11. Mr. Rahm,
12. Mr. Slaymaker,

## NAYS.

1. Mr. Blocher,
2. Mr. Laird,
3. Mr. Martin,
4. Mr. Mayer,
5. Mr. M'Arthur,
6. Mr. Mitchell,

## YEAS.

13. Mr. Sommer,
14. Mr. Wayne.

## NAYS.

7. Mr. Pennell,
8. Mr. Rankin,
9. Mr. Roberts,
10. Mr. Vance,
11. Mr. Lane, *Speaker*.

Fourteen Yeas and eleven Nays; by which it appeared, that the question was determined in the affirmative.

A motion was then made by Mr. Roberts and Mr. Pennell, to adjourn; which was not agreed to.

Section II. was agreed to.

Section III. being under consideration:

A motion was made by Mr. Roberts and Mr. Pennell, to amend the section, by adding thereto the following:

*Provided always*, That no person now a Member of the General Assembly of this Commonwealth, or who may hereafter be a Member; and that no person holding any office under said Commonwealth, or who may hereafter hold any office under the same; shall be allowed, directly or indirectly, to subscribe for or purchase any new share in said bank or corporation, while such person may be a Member or hold an office as aforesaid. And it shall be the duty of the officers of said corporation to give notice of this provision, to persons offering to subscribe; and any member or officer so subscribing, or purchasing, shall, on conviction before a court of competent jurisdiction, be liable and subject to all the pains and penalties of perjury."

On which motion,

The Yeas and Nays were required by Mr. Heston and Mr. Pennell; and,

On the question being put, the Members voted as follow, *to wit*:

## YEAS.

1. Mr. Martin,
2. Mr. M'Arthur,

## YEAS.

3. Mr. Mitchell,
4. Mr. Pennell,

## YEAS.

5. Mr. Rankin,

## NAYS.

1. Mr. Blocher,

2. Mr. Brady,

3. Mr. Gress,

4. Mr. Harris,

5. Mr. Hart,

6. Mr. Heston,

7. Mr. Hiester,

8. Mr. Laird,

9. Mr. Lattimore,

10. Mr. Mayer,

## YEAS.

6. Mr. Roberts.

## NAYS.

11. Mr. Campbell,

12. Mr. Dorsey,

13. Mr. Miller,

14. Mr. Rahm,

15. Mr. Slaymaker,

16. Mr. Sommer,

17. Mr. Vance,

18. Mr. Wayne.

19. Mr. Lane, *Speaker*.

Six Yeas and nineteen Nays; by which it appeared, that the question was determined in the negative.

The section was adopted.

Section IV. containing the articles of association, being under consideration:

A motion was made by Mr. Dorsey and Mr. Hiester, to amend the first article, by striking out that part which respects the appointment of directors by the Legislature; which was agreed to, and the article adopted.

The second article was agreed to.

The third article was disagreed to.

The fourth article, now become article III, being under consideration:

A motion was made by Mr. Laird and Mr. Roberts, to amend the article, by inserting the following at the end thereof: "who shall be a farmer, residing in the country when elected," (referring to the choice of a President); which was not agreed to.

The article was adopted.

Article IV. was agreed to.

Article V. being under consideration:

A motion was made by Mr. Roberts and Mr. Pennell, to amend the same, by inserting the following immediately after the word "entitled," *to wit*:

"To one vote for every share such stockholder may own under ten, and no stockholder shall at any election have more than ten votes, whatever number of shares

he may own;" and required the Yeas and Nays thereon. And

On the question being put, the Members voted as follow, *to wit* :

## YEAS.

1. *Mr. Blocher,*
2. *Mr. Laird,*
3. *Mr. Martin,*
4. *Mr. M'Arthur,*
5. *Mr. Mitchell,*
6. *Mr. Pennell,*

## YEAS.

7. *Mr. Rahm,*
8. *Mr. Rankin,*
9. *Mr. Roberts,*
10. *Mr. Vance,*
11. *Mr. Lane, Speaker.*

## NAYS.

1. *Mr. Brady,*
2. *Mr. Campbell,*
3. *Mr. Dorsey,*
4. *Mr. Gress,*
5. *Mr. Harris,*
6. *Mr. Hart,*
7. *Mr. Heston,*

## NAYS.

8. *Mr. Hiester,*
9. *Mr. Lattimore,*
10. *Mr. Mayer,*
11. *Mr. Miller,*
12. *Mr. Slaymaker,*
13. *Mr. Sommer,*
14. *Mr. Wayne.*

Eleven Yeas and fourteen Nays; by which it appeared, that the question was determined in the negative.

A motion was then made by Mr. Roberts and Mr. Laird, to amend the article, by striking out the provision which authorizes the voting by proxy; which was not agreed to.

A motion was then made by Mr. Pennell, and Mr. Roberts, to amend the article, by inserting at the end thereof the following:

"Provided the proxy be derived directly from such stockholders, and be voted by a person being a citizen of this Commonwealth;" which was not agreed to.

The article was agreed to.

Articles VI. and VII. were severally agreed to.

Article VIII. was disagreed to.

Article IX. now article VIII. was adopted.

Article IX. being under consideration:

A motion was made by Mr. Roberts and Mr. Pennell, to amend the same, by rendering it necessary for the President and six directors to be present on the days of *ordinary discount*; which was not agreed to.

The article was adopted.

Articles X. XI. XII. and XIII. were severally agreed to.

Article XIV. being under consideration :

A motion was made by Mr. Roberts and Mr. Pennell, to amend the same, by inserting a provision to prevent the bank in their loans to the farmers, from demanding or receiving the interest on such loans, until the expiration thereof, or yearly ; and required the Yeas and Nays on the motion.

Whereupon,

On the question being put, the Members voted as follow, *to wit* :

#### YEAS.

1. Mr. Biocher,
2. Mr. Laird,
3. Mr. Martin,
4. Mr. M'Arthur,
5. Mr. Pennell,

#### YEAS.

6. Mr. Rankin,
7. Mr. Roberts,
8. Mr. Vance,
9. Mr. Lane, *Speaker*.

#### NAYS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Hart,
7. Mr. Heston,

#### NAYS.

8. Mr. Lattimore,
9. Mr. Mayer,
10. Mr. Miller,
11. Mr. Rahm,
12. Mr. Slaymaker,
13. Mr. Sommer,
14. Mr. Wayne.

Nine Yeas and Fourteen Nays ; by which it appeared, that the question was determined in the negative.

A motion was then made by Mr. Roberts, and Mr. Pennell, to amend the article, by increasing the proportion of the capital stock of the bank to be loaned to the farmers, from "*one tenth*," to "*one fifth*;" which was not agreed to.

Whereupon,

A motion was made by Mr. Roberts and Mr. Pennell, to postpone the further consideration of the bill, for the present ; which was agreed to. And,

Thereupon,

On motion of Mr. Heston and Mr. Dorsey,

The Senate adjourned till 4 o'clock, in the afternoon.

*SAME DAY....in the afternoon.*

The bill entitled, "An act for discharging the sureties of Jonathan Penrose, deceased, late sheriff of the city and county of Philadelphia, from a payment of a sum of money therein mentioned," was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act to dissolve the marriage contract between Alexander Kerr and Ruth his wife," was read the second time.

Whereupon,

A motion was made by Mr. Wayne and Mr. Dorsey, to postpone the further consideration thereof, for the present; which was agreed to.

The bill entitled, "An act granting an annuity for the use of John Maloney," was read the second time.

Whereupon,

A motion was made by Mr. Wayne and Mr. Dorsey, to postpone the further consideration thereof, for the present.

On which motion,

The Yeas and Nays were required by Mr. Roberts and Mr. Vance; and,

On the question being put, the Members voted as follow, *to wit*:

## YEAS.

1. Mr. Dorsey,
2. Mr. Harris,
3. Mr. Hart,
4. Mr. Heston,
5. Mr. Hiester,

## NAYS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Gress,
5. Mr. Martin,
6. Mr. Mayer,
7. Mr. M'Arthur,

## YEAS.

6. Mr. Lattimore,
7. Mr. Rahm,
8. Mr. Slaymaker,
9. Mr. Sommer.
10. Mr. Wayne.

## NAYS.

8. Mr. Miller,
9. Mr. Pennell,
10. Mr. Rankin,
11. Mr. Roberts,
12. Mr. Vance,
13. Mr. Lane, *Speaker*.



Ten Yeas and thirteen Nays; by which it appeared, that the question was determined in the negative.

A motion was made by Mr. Harris and Mr. Brady, to refer the said bill to a select committee; which was not agreed to.

Thereupon,

The Senate resolved itself into committee of the whole, (Mr. Sommer in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

On motion of Mr. Miller and Mr. Roberts,

The said bill was considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act to exonerate the real estate of Adam Nees, deceased, from a lien which the Commonwealth is supposed to have on the same, was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

The bill entitled, "An act making appropriation for the improvement of the state road leading from Philadelphia, through West-Chester, to Strasburg," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Hart in the chair) for the consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

The bill entitled, "An act granting a tract of donation land to Edward Beeby," was read the second time.

Whereupon,

The Senate resolved, itself into committee of the whole, (Mr. Gress in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with one amendment; which was read as reported.

Thereupon,

On motion of Mr. Hart and Mr. Wayne,

The said bill was again read, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act for the establishment of schools throughout this Commonwealth," was read the second time as reported by select committee.

Whereupon,

A motion was made by Mr. Wayne and Mr. Sommer, to postpone the further consideration of the said bill, and recommend it to the attention of Senate, at the next session of the Legislature.

On which motion,

The Yeas and Nays were required by Mr. Pennell and Mr. Roberts; and,

On the question being put, the Members voted as follow, *to wit*:

#### YEAS.

1. Mr. Campbell,
2. Mr. Gress,
3. Mr. Harris,
4. Mr. Hart,
5. Mr. Hiester,
6. Mr. Lattimore,

#### NAYS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Dorsey,
4. Mr. Heston,
5. Mr. Laird,
6. Mr. Martin,
7. Mr. M'Arthur,

#### YEAS.

7. Mr. Mayer,
8. Mr. Miller,
9. Mr. Slaymaker,
10. Mr. Sommer,
11. Mr. Wayne.

#### NAYS.

8. Mr. Pennell,
9. Mr. Rahm,
10. Mr. Rankin,
11. Mr. Roberts,
12. Mr. Vance.
13. Mr. Lane, *Speaker*.

Eleven Yeas and thirteen Nays; by which it appeared, that the question was determined in the negative.

A motion was then made by Mr. Wayne and Mr.

Heston, to postpone the further consideration of the said bill, for the present.

On which motion,

The Yeas and Nays were required by Mr. Pennell and Mr. Roberts; and,

On the question being put, the Members voted as follow, *to wit*:

## YEAS.

1. Mr. Campbell,
2. Mr. Dorsey,
3. Mr. Gress,
4. Mr. Harris,
5. Mr. Hart,
6. Mr. Heston,
7. Mr. Hiester,

## NAYS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Laird,
4. Mr. Martin,
5. Mr. M'Arthur,

## YEAS.

8. Mr. Lattimore,
9. Mr. Mayer,
10. Mr. Miller,
11. Mr. Rahm,
12. Mr. Slaymaker,
13. Mr. Sommer,
14. Mr. Wayne.

## NAYS.

6. Mr. Pennell,
7. Mr. Rankin,
8. Mr. Roberts,
9. Mr. Vance,
10. Mr. Lane, *Speaker*.

Fourteen Yeas and ten Nays; by which it appeared, that the question was determined in the affirmative.

The Clerk of the House of Representatives presented for signature, three bills, entitled as follow, *to wit*:

1. "An act incorporating the Roman Catholic congregation of Christ church, in the borough of West-Chester, in the county of Chester, and for other purposes therein mentioned."

2. "An act to enable the Governor to incorporate a company, for making an artificial road from the city of Philadelphia, by Chad's ford, on Brandywine, to the line of the state, in a direction towards Baltimore."

3. "An act authorizing the Governor to contract with John Bioren to print the laws of this Commonwealth."

Whereupon,

The Speaker signed the said bills.

A motion was made by Mr. Wayne and Mr.

Dorsey, to resume the consideration of the bill entitled, "An act to incorporate the Farmers' and Mechanics' bank."

A motion was then made by Mr. Vance and Mr. Roberts, to adjourn; which was not agreed to.

The consideration of the motion to resume the said bill recurring, was agreed to.

Thereupon,

The consideration of the fourteenth article recurring, it was agreed to.

Articles XV. and XVI. were severally adopted.

Article XVII. being under consideration:

A motion was made by Mr. Pennell and Mr. Roberts, to amend the same, by inserting the following: "but no bill of less amount than five dollars, shall be issued by order of the said *corporation*; nor shall the whole amount of bills so issued, be greater than their capital stock."

A division of the motion was called for, so that a question be taken on the first part of the sentence, to end with the word "*corporation*." And,

On the question on the first member of the sentence being put, was determined in the affirmative.

Whereupon,

The Yeas and Nays on agreeing to the remainder of the motion, were required by Mr. Pennell and Mr. Roberts; and,

On the question being put, the Members voted as follow, *to wit*:

#### YEAS.

1. Mr. Blocher,
2. Mr. Laird,
3. Mr. Martin,
4. Mr. M'Arthur,
5. Mr. Pennell,

#### NAYS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Hart,

#### YEAS.

6. Mr. Rankin,
7. Mr. Roberts,
8. Mr. Vance,
9. Mr. Lane, *Speaker*.

#### NAYS.

7. Mr. Heston,
8. Mr. Hiester,
9. Mr. Lattimore,
10. Mr. Mayer,
11. Mr. Miller,
12. Mr. Rahm,

## NAYS.

13. Mr. Slaymaker,

14. Mr. Sommer,

Nine Yeas and fifteen Nays; by which it appeared, that the question was determined in the negative.

A motion was then made by Mr. Roberts and Mr. Pennell, further to amend the article, by inserting a provision, obliging the bank "to pay their notes in specie, and that three-fourths of such payment shall be made in pieces of gold, or silver coin, each of the value of fifty cents, or more, unless when otherwise required;" and called the Yeas and Nays on the motion.

Whereupon, after debate,

On the question being put, the Members voted as follow, *to wit*:

## YEAS.

1. Mr. Blocher,

2. Mr. Hart,

3. Mr. Laird,

4. Mr. Martin,

5. Mr. M'Arthur,

## NAYS.

1. Mr. Brady,

2. Mr. Campbell,

3. Mr. Dorsey,

4. Mr. Gress,

5. Mr. Harris,

6. Mr. Heston,

7. Mr. Hiester,

8. Mr. Lattimore,

## YEAS.

6. Mr. Pennell,

7. Mr. Rankin,

8. Mr. Roberts,

9. Mr. Vance.

## NAYS.

9. Mr. Mayer,

10. Mr. Miller,

11. Mr. Rahm,

12. Mr. Slaymaker,

13. Mr. Sommer,

14. Mr. Wayne,

15. Mr. Lane, *Speaker*.

Nine Yeas and fifteen Nays; by which it appeared, that the question was determined in the negative.

A motion was then made by Mr. Roberts and Mr. Pennell, to amend the article, by striking the following from the same, *to wit*: "And the bills and notes of the said corporation originally made payable, or which shall become payable on demand, shall be receivable in payments from the bank to the state of Pennsylvania;" which was agreed to, and the article as amended, was adopted.

And so the section, containing the articles of association, was agreed to.

Section V. being under consideration, *to wit*:

“And be it further enacted, &c. That the sum of eighty thousand dollars shall be considered as a premium or gratuity from the said corporation, for the granting of this charter, which shall be paid into the Treasury, in gales or proportions as follow, *that is to say*: thirty thousand dollars within sixty days, twenty-five thousand within one hundred and twenty days, and twenty-five thousand dollars within one hundred and eighty days; all which payments shall be computed from the day of the passing of this act.”

A motion was made by Mr. Pennell and Mr. Roberts, to postpone the further consideration of the section and bill, for the present, for the purpose of proceeding to the consideration of the resolution laid upon the table in the forenoon, *to wit*:

“Whereas the constitution of Pennsylvania declares, That ‘all bills for raising revenue shall originate in the House of Representatives:’ and whereas, the bill which originated in and is now before Senate, entitled, ‘An act to incorporate the Farmers’ and Mechanics’ bank,’ proposes, that that bank shall pay a premium, by way of tax, for its charter; and all monies coming into the Treasury is necessarily the revenue of the state.

“Therefore,

“Resolved, That it is unconstitutional for Senate to have originated the aforesaid bill, and to pass it on account of bringing revenue into the Treasury.”

Whereupon, after debate,

The Yeas and Nays on the motion to postpone the further consideration of the said section, were required by Mr. Roberts and Mr. Pennell; and,

On the question being put, the Members voted as follow, *to wit*:

#### YEAS.

1. Mr. Blocher,
2. Mr. Laird,
3. Mr. Martin,
4. Mr. M'Arthur,
5. Mr. Pennell,

#### YEAS.

6. Mr. Rankin,
7. Mr. Roberts,
8. Mr. Vance,
9. Mr. Lane, *Speaker*.

## NAYS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Hart,
7. Mr. Heston,
8. Mr. Hiester,

## NAYS.

9. Mr. Lattimore,
10. Mr. Mayer,
11. Mr. Miller,
12. Mr. Rahm,
13. Mr. Slaymaker,
14. Mr. Sommer,
15. Mr. Wayne.

Nine Yeas and Fifteen Nays; by which it appeared, that the question was determined in the negative.

A motion was then made by Mr. Vance and Mr. Roberts, to adjourn; which was not agreed to.

Thereupon,

The Yeas and Nays on adopting the section, were required by Mr. Pennell and Mr. Roberts; and,

On the question being put, the Members voted as follow, *to wit*:

## YEAS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Hart,
7. Mr. Heston,

## YEAS.

8. Mr. Hiester,
9. Mr. Lattimore,
10. Mr. Miller,
11. Mr. Rahm,
12. Mr. Slaymaker,
13. Mr. Sommer,
14. Mr. Wayne.

## NAYS.

1. Mr. Blocher,
2. Mr. Laird,
3. Mr. Martin,
4. Mr. Mayer,
5. Mr. M'Arthur,

## NAYS.

6. Mr. Pennell,
7. Mr. Rankin,
8. Mr. Roberts,
9. Mr. Vance,
10. Mr. Lane, *Speaker*.

Fourteen Yeas and ten Nays; by which it appeared, that the question was determined in the affirmative.

Section VI. was adopted.

Section VII. being under consideration:

A motion was made by Mr. Pennell and Mr. Roberts, to amend the section, by limiting the duration of the charter of the bank, to the year one thousand eight hundred and ten; which was not agreed to.

The section was adopted.

Section VIII. was agreed to.

On motion of Mr. Harris and Mr. Brady, the following was adopted, to be called,

Section IX. *And be it further enacted, &c.* That if the Farmers' and Mechanics' bank should fail, neglect, or refuse faithfully to fulfil the payments required of the said bank, in this act, according to the true intent and meaning thereof, then, and in that case, this act shall become null and void, as fully to all intents and purposes, as if this act had never been passed."

The preamble being under consideration :

A motion was made by Mr. Pennell and Mr. Roberts, to amend the same, by striking out the following :

"The granting of which (charter), upon the terms upon which it has been desired, will tend to promote objects deserving of legislative patronage; and will, at the same time, be advantageous to the finances of the Commonwealth " which was not agreed to.

A motion was made by Mr. Pennell and Mr. Roberts, to amend the same, by striking out the following : "to advance the interests of agriculture, manufactures, and the mechanical arts; to produce benefits to trade, and industry in general; and to suppress usury," and insert in place thereof, these words, "of the stockholders;" which was not agreed to.

A motion was made by Mr. Roberts and Mr. M'Arthur, to amend the preamble, by striking out the words, "upon reasonable terms," (referring to the loaning of money by the said bank); which was not agreed to.

The preamble was agreed to.

The title of the bill being under consideration :

A motion was made by Mr. Pennell and Mr. Roberts, to amend the same, by striking out the words, "the Farmers' and Mechanics," so as to read, "An act to incorporate a bank;" which was not agreed to.

The title of the said bill was adopted.

Ordered, That it be prepared for the third reading.

Adjourned till 9 o'clock, Monday morning.



*Monday, March 21, 1808.*

Mr. Miller, from the committee appointed for that purpose, made report, That the committee, in conjunction with the committee of the House of Representatives, have this day presented to the Governor, for his approbation, the bills entitled as follow, *to wit* :

1. "An act to enable the Governor to incorporate a company, for making an artificial road from the city of Philadelphia, by Chad's ford, on Brandywine, to the line of the state, in a direction towards Baltimore."

2. "An act authorizing the Governor to contract with John Bioren to print the laws of this Commonwealth."

3. "An act incorporating the Roman Catholic congregation of Christ church, in the borough of West-Chester, in the county of Chester, and for other purposes therein mentioned."

Mr. Dorsey presented the petition of the subscribers thereto, inhabitants of the city and neighborhood of Philadelphia, victuallers; stating, That they labor under considerable difficulties in consequence of the present arrangement of the shambles, in the high street market; they therefore pray relief. And the same was twice read, and referred to Mr. Dorsey, Mr. Sommer, and Mr. Heston, to consider and report thereon.

The bill entitled, "An act to enable the Governor to incorporate a company, for making an artificial road from the south-east side of the Perkiomen bridge, in Montgomery county, to the borough of Reading, in the county of Berks," was read the third time.

Whereupon,

A motion was made by Mr. Roberts and Mr. Pennell, to postpone the further consideration thereof, and recommend it to the attention of Senate at their next session; which was agreed to.

The bill entitled, "An act for discharging the sureties of Jonathan Penrose, deceased, late sheriff of the city and county of Philadelphia, from the payment of a sum of money therein mentioned," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information that Senate have passed the said bill without amendment.

The bill entitled, "An act granting an annuity for the use of John Maloney," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "An act granting a tract of donation land to Edward Beeby," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "*An act to incorporate the Farmers' and Mechanics' bank,*" was read the third time.

Whereupon, after debate,

The Yeas and Nays on the question, "*Shall this bill pass?*" were required by Mr. Mitchell and Mr. Roberts; and,

On the question being put, the Members voted as follow, *to wit:*

#### YEAS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Hart,
7. Mr. Heston,

#### NAYS.

1. Mr. Blocher,
2. Mr. Laird,
3. Mr. Martin,
4. Mr. Mayer,
5. Mr. M'Arthur,
6. Mr. Mitchell,

#### YEAS.

8. Mr. Hiester,
9. Mr. Lattimore,
10. Mr. Miller,
11. Mr. Rahm,
12. Mr. Slaymaker,
13. Mr. Sommer,
14. Mr. Wayne.

#### NAYS.

7. Mr. Pennell,
8. Mr. Rankin,
9. Mr. Roberts,
10. Mr. Vance.
11. Mr. Lane, *Speaker.*

Fourteen Yeas and eleven Nays; by which it appeared, that the question was determined in the affirmative.

Ordered, That the said bill be presented to the House of Representatives for concurrence.

The Deputy-Secretary of the Commonwealth presented a message from the Governor; which was read, as follows, *to wit*:

*"To the Senatè and House of Representatives of the Commonwealth of Pennsylvania.*

"GENTLEMEN,

"I HAVE this day approved and signed the following Acts of the General Assembly, and directed the Secretary to return them to the Houses in which they respectively originated.

1. "An act to enable certain persons therein named, to sell and convey a messuage and lot of ground devised by the late John Keble to the corporation of St. Paul's church, in the city of Philadelphia, for the use of aged widows, communicants of said church."

2. "An act to enable the administrators of Peter Ankeny, late of the county of Somerset, deceased, to convey certain lots of ground in the borough of Somerset, to the purchasers thereof."

3. "An act to authorize certain persons therein named to raise by way of lottery, a sum of money to enable them to finish a church in the town of Columbia, and to pay the debts contracted in building the same."

4. "An act for the improvement of the state."

5. "An act to fix the number of Senators, form the state into districts, and determine the portion to be allotted to each; also to fix the number of Representatives for the city and the several counties of the Commonwealth, in pursuance of the provisions of the constitution."

6. "An act to authorize Jacob Rudizell and George Kerl, administrators of the estate of George Kerl, deceased, or the survivor of them, to convey a part of a tract of land therein described to William Young."

7. "An act granting an annuity to Thomas Snowden."

8. "An act to afford immediate relief to James Waters, a soldier during the revolutionary war, and to grant him an annuity."

9. "An act to alter the time of holding the fairs in the borough of Carlisle, in the county of Cumberland."

10. "An act declaring Big Mahoning creek, in Armstrong and Indiana counties, a public highway."

11. "An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house in Magerstown, in the county of Dauphin."

"THOMAS M'KEAN.

"*Lancaster, March 21, 1808.*"

The bill entitled, "An act to exonerate the real estate of Adam Nees, deceased, from a lien which the Commonwealth is supposed to have on the same," was read the second time as reported by committee of the whole, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

Moved by Mr. Vance and Mr. Mitchell,

Whereas, great expence has been incurred by the printing of bills which have not been acted upon; or, if acted on, have not been decided: And whereas, the preserving of such bills for the use of the succeeding Legislature, will be a considerable saving to the state.

Therefore,

Resolved, by the Senate and House of Representatives, &c. That the Clerks of the two Houses are hereby directed to select and preserve, all printed bills which have not been acted on, or which have not been decided on, in the present session; and it shall be the duty of the said Clerks at the end of each and every session hereafter, to select and to preserve all such bills.

Ordered to lie upon the table.

The bill entitled, "An act to vest in and confirm to the elders and wardens of the joint congregations of Lutheran and German reformed church of Zion, in Windsor township, in the county of Berks, the title to the tract of land therein mentioned," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Rankin in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the said bill without amendment.

The bill entitled, "An act granting a sum of money to Elizabeth Buch, otherwise Pugh, for services rendered by her late husband in the revolutionary war," was read the second time.

Whereupon,

The Senate resolved, itself into committee of the whole, (Mr. Blocher in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

The bill entitled, "*An act directing the distributing of the Digest of the Laws of this Commonwealth, in the German language,*" was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Martin in the chair) for the further consideration thereof. And,

After some time,

The committee rose, reported progress, and had leave to sit again, to-morrow.

The Clerk of the House of Representatives presented for concurrence,

The bill entitled, "*An act to amend the act entitled, 'An act to raise and collect county rates and levies, and for other purposes.'*" And,

He returned the bill entitled, "*A supplement to an act entitled, 'A supplement to an act entitled, 'An act for the more speedy and effectual collection of certain debts due the Commonwealth.'*"

And informed, That the House of Representatives have passed the said bill with amendments, in which the concurrence of Senate is requested.

The amendments to said bill were read, as follow, to wit:

Sections I. strike out all that follows the word "*respectively,*" in line 17, to the end of the section.

Strike out section II.

Make section III. read section II. and make "five," in line 3, read "ten."

Add a new section, to be numbered section III. as follows:

Section III. And be it further enacted by the authority aforesaid, That the Treasurer of this Commonwealth, as often as the bonds taken by the aforesaid commissioners, or any instalments thereof shall become due, shall be, and he is hereby authorized to cause suits to be instituted for the recovery of such bonds or the instalments thereof; and the necessary expence of prosecuting said suits shall be paid out of the Treasury of this Commonwealth. And in such suits, a copy of the bond or bonds certified by the Treasurer of this Commonwealth, shall be competent evidence to maintain the action, as if the bond itself had been produced.

Strike from line 3, of the preamble, the words "*said supplemental act*," and insert in lieu thereof the words, "*Act entitled, A supplement to the act entitled, 'An act for the more speedy and effectual collection of certain debts due to the Commonwealth.'*"

The bill presented for concurrence, was read the first time.

The bill entitled, "An act to amend certain parts of an act entitled, "An act supplementary to the several acts of this Commonwealth concerning partitions, and for other purposes therein mentioned," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Laird in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

The bill entitled, "An act to authorize the commissioners of the county of Northampton, to affirm a contract made with Jacob Stroud," was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "A supplement to an act entitled,

"An act for the regulation of the militia of the Commonwealth of Pennsylvania," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Pennell in the chair) for the further consideration thereof. And,

After some time,

The committee rose, reported progress, and had leave to sit again, this afternoon.

Thereupon, on motion,

The Senate adjourned till 4 o'clock, in the afternoon.

### *SAME DAY....in the afternoon.*

On motion of Mr. Roberts and Mr. Wayne,

The amendments by the House of Representatives on the bill entitled, "A supplement to an act entitled, "A supplement to an act entitled, "An act for the more speedy and effectual collection of certain debts due to the Commonwealth," were again read, and considered separately.

The first amendment, to strike out all that follows the word "*respectively*," in line 17, to the end of the first section, *to wit*: "*Provided always nevertheless, That no settlement or compromise shall affect the rights of any persons who have settled north and west of the rivers Ohio and Allegheny, and Conewango creek, under the law of the third of April, one thousand seven hundred and ninety-two, unless the commissioners compromise with such persons,*" being under consideration :

The Yeas and Nays on concurring therein, were required by Mr. Vance and Mr. Hart; and,

On the question being put, the Members voted as follow, *to wit* :

#### YEAS.

1. Mr. Brady,
2. Mr. Campbell,
3. Mr. Gress,
4. Mr. Harris,

#### YEAS.

5. Mr. Heston,
6. Mr. Hiester,
7. Mr. Lattimore,
8. Mr. Mayer,

## YEAS.

9. Mr. Miller,
10. Mr. Rahm,
11. Mr. Slaymaker,

## NAYS.

1. Mr. Blocher,
2. Mr. Hart,
3. Mr. Laird,
4. Mr. Martin,
5. Mr. M'Arthur,
6. Mr. Mitchell,

## YESA.

12. Mr. Sommer,
13. Mr. Wayne.

## NAYS.

7. Mr. Pennell,
8. Mr. Rankin,
9. Mr. Roberts,
10. Mr. Vance,
11. Mr. Lane, *Speaker*.

Thirteen Yeas and eleven Nays; by which it appeared, that the question was determined in the affirmative.

The remaining amendments were severally concurred in.

Ordered, That the Clerk acquaint the House of Representatives thereof.

On motion,

The further consideration, in committee of the whole, of the bill entitled, "A supplement to the act for the regulation of the militia of the Commonwealth of Pennsylvania." was postponed for the present.

Adjourned until nine o'clock, to-morrow morning.

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Tuesday, March 22, 1808.

Mr. Blocher presented the petition of the subscribers thereto, inhabitants of Somerset county; praying, for the reasons therein given, that certain alterations may be made in the route of the Harrisburg and Pittsburg (southern route) turnpike road. And the same was read, and

Laid upon the table.

Mr. Martin presented the petition of the subscribers thereto, inhabitants of Allegheny county, praying aid in building a bridge over Turtle-creek, where the mail-stage crosses the same. And the said petition was read, and

Laid upon the table.

Mr. Rahm presented the petition of the subscribers thereto, inhabitants of Newman's town and its vicinity, in the township of Heidleberg, in the county of Dauphin, praying for an act authorizing them to raise by way of lottery, the sum of four hundred dollars to enable them to build a school-house, and pay for a lot for the same. And the said petition was read, and

Laid upon the table.

Mr. Sommer, from the committee to whom was referred the fifth item of the report on the Governor's address, respecting the health laws, made report :

That, not having received from the Board of Health, the necessary detail and arrangement for the formation of a supplement to the existing law, they therefore recommend the following resolution :

Resolved, That the said item be, and the same is hereby recommended to the attention of the next Legislature.

Whereupon, on motion,

The said report was read the second time, considered, and the resolution adopted.

The bill entitled, "An act to exonerate the real estate of Adam Nees, deceased, from a lien which the Commonwealth is supposed to have on the same," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information that Senate have passed the said bill without amendment.

The bill entitled, "An act to authorize the commissioners of Northampton county, to affirm a contract made with Jacob Stroud," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "An act granting a sum of money to Elizabeth Buch, otherwise Pugh, for the services rendered by her late husband in the revolutionary war," was read the second time as reported by committee of the whole, yesterday, and considered by section.

The first and only section being under consideration:

The question on agreeing thereto being put, was determined in the negative.

And so the bill was lost.

The Clerk of the House of Representatives presented for concurrence, the bills entitled as follow, *to wit*:

1. "An act to establish a public ferry on the north side of the west branch of the Susquehanna river, in the county of Lycoming, and to vest the right thereof in Martin Updegraff, his heirs, and assigns."

2. "An act granting Benjamin Jennings the depreciation of his pay, as a soldier during the late revolutionary war."

3. "An act to vest in, and confirm to the elders and wardens of the joint congregations of Lutherans and German reformed church in Bern township, in the county of Berks, the title to a tract of land therein mentioned."

4. "An act for the relief of Mary Backhouse."

5. "An act supplementary to an act passed the second day of March, one thousand eight hundred and five, entitled, "An act to organize the provisional county of Armstrong."

6. "An act to authorize the sale of certain real estate, late the property of James Costiloe, and for other purposes therein mentioned."

7. "An act to afford immediate relief to Michael Drury, a soldier in the revolutionary war, and to grant him an annuity."

Which were severally read the first time.

The bill entitled, "An act to amend certain parts of an act supplementary to the several acts of this Commonwealth, concerning partitions, and for other purposes therein mentioned," was read the second time as reported by committee of the whole, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

On motion of Mr. Roberts and Mr. Pennell,

The further consideration in committee of the whole, of the bill entitled, "An act directing the distributing of the Digest of the Laws of this Commonwealth, in the German language," was postponed for the present.

The bill entitled, "An act making appropriations for the improvement of the state road leading from Philadelphia, through West-Chester, to Strasburg," was read the second time as reported by committee of the whole, and considered by section.

The first and only section being under consideration :

A motion was made by Mr. Pennell and Mr. Roberts, to amend the section, by inserting a provision at the end of the section, "appropriating two thousand dollars out of the arrearages of state taxes due from the county of Delaware, towards the building and repairing of bridges in said county ;" which was agreed to.

The section as amended, was adopted.

The title being under consideration :

A motion was made by Mr. Pennell and Mr. Hart, to amend the same by adding thereto these words, "and also for building and repairing bridges in Delaware county ;" which was agreed to ; and the title, as amended, adopted.

Ordered, That said bill be prepared for the third reading.

On motion,

The Senate resumed, in committee of the whole, (Mr. Pennell in the chair) the consideration of the bill entitled, "A supplement to the act for the regulation of the militia of the Commonwealth of Pennsylvania." And,

After some time,

The committee rose, and reported the bill with one amendment ; which was read as reported.

Mr. Roberts asked, and obtained leave of absence for Mr. Wayne, for the remainder of the session.

On motion,

The following named committees were severally discharged from the further consideration of the business referred to them, *to wit* :

The committee on the first item of the report on the Governor's address, relative to the militia system.

On the third item of same report, *to wit*, the the late opposition given to the marshall of the circuit court of the United States, in Beaver county.

On the bill entitled, "An act for the growing of wool."

On the petition of the tinplate workers of Philadelphia.

On the bill entitled, "An act to amend the act incorporating the borough of Lancaster."

On the Governor's message and letter of Clement Biddle, relative to some public arms.

The bill entitled, "An act declaring Little Juniata river, in the county of Huntingdon, a public highway," was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "A supplement to an act entitled, "An act securing to mechanics and others, payment for their labor and materials, in erecting any house or other building within the city and county of Philadelphia," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Vance in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with one amendment; which was read as reported.

The bill entitled, "An act for the relief of Frederick Rumel," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Rankin in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with the first section negatived.

Whereupon,

On motion of Mr. Pennell and Mr. Roberts,

The report of the committee of the whole was considered and adopted.

And so the bill was lost.

On motion of Mr. Pennell and Mr. Heston,
Adjourned till 3 o'clock, in the afternoon.

SAME DAY....in the afternoon.

The bill entitled, "An act supplementary to an act entitled, "An act to erect the town of Cannonsburg, in the county of Washington into a borough," was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "A further supplement to an act entitled, "An act authorizing the Governor to incorporate a company for making an artificial road from the bank of the river Susquehanna, opposite to the borough of Harrisburg, to Pittsburg," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Pennell in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with the first section negatived.

On motion of Mr. Vance and Mr. Mitchell,

The report of the committee of the whole was considered and adopted.

And so the bill was lost.

The resolution relative to the distribution of the one hundred and fifty printed copies of the Indexes to the Journals of the Senate, was again read, considered and adopted.

The bill entitled, "An act authorizing the Surveyor-General to cause a re-survey to be made of certain lots of donation land," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Martin in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

On motion of Mr. Hiester and Mr. Rahm,

The report of the committee of the whole, (negating the first section) on the bill entitled, "An act authorizing the sale of real estate, late the property of Adam Imbody, of Berks county, deceased," read on the twenty-third of last month, was again read, considered and adopted.

And so the bill was lost.

The bill entitled, "An act to authorize the Governor to subscribe on behalf of this Commonwealth for shares of stock in certain turnpike companies," was read the second time.

Whereupon,

A motion was made by Mr. Laird and Mr. Martin, to postpone the further consideration of the bill, generally; which was agreed to.

On motion of Mr. Vance and Mr. Miller,

The Senate resumed the consideration of the bill entitled, "An act to dissolve the marriage contract between Alexander Kerr and Ruth his wife."

The consideration of section II. recurring, was agreed to.

The title being agreed to:

Ordered, That it be prepared for the third reading.

On motion of Mr. Pennell and Mr. Roberts,

The Senate resumed the consideration of the bill entitled, "An act for the establishment of schools throughout this Commonwealth."

Section I. being again under consideration:

The Yeas and Nays on agreeing thereto, were required by Mr. Hiester and Mr. Pennell; and,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Brady,
2. Mr. Dorsey,
3. Mr. Heston,
4. Mr. Laird,
5. Mr. Martin,

YEAS.

6. Mr. M'Arthur,
7. Mr. Mitchell,
8. Mr. Pennell,
9. Mr. Rankin,
10. Mr. Roberts,

YEAS.

11. Mr. Vance,

NAYS.

1. Mr. Blocher,

2. Mr. Gress,

3. Mr. Hart,

4. Mr. Hiester,

5. Mr. Lattimore,

YEAS.

12. Mr. Lane, *Speaker*.

NAYS.

6. Mr. Mayer,

7. Mr. Miller,

8. Mr. Rahm,

9. Mr. Slaymaker,

10. Mr. Sommer.

Twelve Yeas and Ten Nays; by which it appeared, that the question was determined in the affirmative.

Section II. was adopted.

Section III. being under consideration:

A motion was made by Mr. Roberts and Mr. Dorsey, to postpone the further consideration thereof, for the present, in order to proceed to the other sections; which was agreed to.

Section IV. being under consideration:

A motion was made by Mr. Pennell and Mr. Roberts, to amend the section, by inserting a provision directing "the purchase of a lot of ground as near the centre of the respective districts as possible, for the erection of a school-house thereon, for the use of the district;" which was agreed to.

A motion was then made by Mr. Pennell and Mr. Roberts, to amend the section further, by inserting the following at the end thereof, *to wit*:

"Provided, the expence of said school-houses, together with the lots respectively, shall not exceed the sum of five hundred dollars each, nor shall the yearly salary of the teacher exceed the sum of three hundred dollars;" which was agreed to: and the section, as amended, adopted.

Section V. was agreed to.

Section VI. (containing the provision for raising the funds necessary for the establishment of the schools) being under consideration:

The question on agreeing thereto being put, was determined in the negative.

A motion was then made by Mr. Hart and Mr. Hiester, to postpone the further consideration of the bill, generally.

Whereupon,

The Yeas and Nays on the motion to postpone, were required by Mr. Roberts and Mr. Vance; and,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Blocher,
2. Mr. Gress,
3. Mr. Harris,
4. Mr. Hart,
5. Mr. Hiester,
6. Mr. Lattimore,

NAYS.

1. Mr. Brady,
2. Mr. Dorsey,
3. Mr. Heston,
4. Mr. Laird,
5. Mr. Martin,

YEAS.

7. Mr. Mayer,
8. Mr. Rahm,
9. Mr. Roberts,
10. Mr. Slaymaker,
11. Mr. Sommer,
12. Mr. Lane, *Speaker*.

NAYS.

6. Mr. M'Arthur,
7. Mr. Mitchell,
8. Mr. Pennell,
9. Mr. Rankin,
10. Mr. Vance,

Twelve Yeas and ten Nays; by which it appeared, that the question was determined in the affirmative.

The resolution relative to the selection and preservation of the bill of the two Houses, read yesterday, was again read. And,

After debate,

The Yeas and Nays on adopting the same, were required by Mr. Vance and Mr. Roberts; and,

On the question being put, the Members voted as follow, *to wit*:

YEAS.

1. Mr. Brady,
2. Mr. Harris,
3. Mr. Laird,
4. Mr. Martin,
5. Mr. Mayer,

NAYS.

1. Mr. Blocher,
2. Mr. Dorsey,
3. Mr. Gress,
4. Mr. Hart,
5. Mr. Heston,
6. Mr. Hiester,

YETS.

6. Mr. M'Arthur,
7. Mr. Pennell,
8. Mr. Rankin,
9. Mr. Roberts,
10. Mr. Vance.

NAYS.

7. Mr. Lattimore,
8. Mr. Miller,
9. Mr. Rahm,
10. Mr. Slaymakér,
11. Mr. Sommer,
12. Mr. Lane, *Speaker*.

Ten Yeas and Twelve Nays; by which it ap-

peared, that the question was determined in the negative.

Adjourned until nine o'clock, to-morrow morning.

~~~~~  
*Wednesday, March 23, 1808.*

The bill entitled, "An act declaring Little Juniata river, in the county of Huntingdon, a public highway," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative:

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "An act supplementary to an act entitled, "An act to erect the town of Cannonsburg in the county of Washington, into a borough," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "An act to amend certain parts of an act entitled, "An act supplementary to the several acts of this Commonwealth concerning partitions, and for other purposes therein mentioned," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "An act making appropriation for the improvement of the state road leading from Philadelphia, through West-Chester, to Strasburg," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill with amendments, in which the concurrence of that House is requested.

(For the amendments, see Journal of yesterday.)

The bill entitled, "An act to dissolve the marriage contract between Alexander Kerr, and Ruth his wife," was read third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "A supplement to the act for the regulation of the militia of the Commonwealth of Pennsylvania," was read the second time, as reported by committee of the whole, yesterday, and considered by section.

Section I. being under consideration :

A motion was made by Mr. Vance and Mr. Martin, to amend the section, by adding thereto the following, *to wit* :

"*Provided nevertheless*, That the field officers of the 141st regiment, commanded by colonel Wilkins, or a majority of them, shall have power to direct training in regiment, instead of battalion;" which was agreed to, and the section as amended, adopted.

The remaining sections, with the title, having been agreed to :

Ordered, That the said bill be prepared for the third reading.

Moved by Mr. Roberts and Mr. Hart,

Resolved, That the Clerk be and he is hereby directed, to procure for the use of Senate, two copies of Lloyd's report of the trial of Smith and Ogden, for a misdemeanor, in fitting out at New-York the expedition of Miranda against the Carracas.

Two copies, ditto, of the trial of Thomas O. Selfridge, for killing ——— Austin, on the public exchange, at Boston.

Two copies, ditto, of the trial of the journeymen Shoemakers at Philadelphia, for a conspiracy in raising their wages.

Two copies, ditto, of the trial of sundry officers, *et alia*, of the Bank of Pennsylvania, for a malicious prosecution of Patrick Lyon, on the subject of the robbery of the Bank.

Ordered to lie upon the table.

The Clerk of the House of Representatives presented for signature, the bills entitled as follow, *to wit* :

1. "An act granting an annuity to Christian Shockey."

2. "An act for discharging the sureties of Jonathan Penrose, deceased, late sheriff of the city and county of Philadelphia, from the payment of a sum of money therein mentioned."

3. "An act to provide for the erection of a house for the employment and support of the poor, in the county of Cumberland."

4. "An act to exonerate the real estate of Adam Nees, deceased, from a lien which the Commonwealth is supposed to have on the same."

5. "An act to authorize the commissioners of the county of Northampton, to affirm a contract made with John Stroud."

6. "A supplement to an act entitled, "A supplement to an act entitled, "An act for the more speedy and effectual collection of certain debts due to the Commonwealth."

And he presented for concurrence, the bills entitled as follow, *to wit* :

1. "A further supplement to the act entitled, "An act to alter the judiciary system of this Commonwealth."

2. "An act prohibiting the association of individuals for the purpose of banking."

3. "An act for the advancement of justice, and to simplify the forms of proceeding in suits at law."

4. "An act making appropriation for the improve.

ment of sundry state roads in this Commonwealth, and for other purposes."

Which were severally read the first time.

The Speaker signed the bills presented for signature.

The bill entitled, "A supplement to an act entitled, "An act securing to mechanics and others, payment for their labor and materials, in erecting any house or other building within the city and county of Philadelphia," was read the second time, as reported by committee of the whole, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act authorizing the Surveyor-General, to cause a re-survey to be made of certain lots of donation land," was read the second time, and considered by section.

The first and only section being under consideration :

On motion of Mr. M'Arthur and Mr. Roberts,

Agreed, that the section be amended, so as to read as follows, *to wit* :

"That the Surveyor-General be and he is hereby authorized, to cause the Deputy-Surveyor of the county of Venango, to ascertain by actual measurement, the quantity of land which lies in said county between the district line on the north verge of the fifth donation district, and the first full range of donation tracts on the south verge of the sixth donation district, which does not interfere with lands in the fifth donation district ; and make return thereof into the Surveyor-General's office, before the meeting of the next Legislature, with the courses and distances in the usual manner of executing surveys : and also to require the Deputy-Surveyor of the county of Crawford, to ascertain the quantity of land which lies between the district line on the north verge of the sixth donation district, and the first full range of donation tracts on the south side of the seventh donation district, which does not interfere with lands in the sixth donation district ; and make return thereof into the Surveyor-General's office, before the meeting of the next Legislature. And should there be any fractional part of a tract or tracts of donation land on the

south verge of the sixth donation district, between the first full range of donation tracts therein, and the district line of the fifth donation district; that the Deputy-Surveyor of Crawford county be also directed to ascertain the quantity thereof, and make return as aforesaid, with the courses and distances in the usual manner: for which service the respective deputies shall be entitled to receive the sum of six dollars, for every four hundred acres of land contained in such return, and the same proportion for a fractional quantity."

The preamble, having been verbally amended, was agreed to.

The title was agreed to.

Ordered, That the said bill be prepared for the third reading.

The bill entitled, "A supplement to an act entitled, "An act to enable the Governor of this Commonwealth, to incorporate a company, to make an artificial road from the Susquehanna river, at or near Wright's ferry, to the borough of York," was read the second time, and considered by section.

Section I. being under consideration:

A motion was made by Mr. Miller and Mr. Brady, to amend the section, by inserting the following in line 14, *to wit*:

"And the company are hereby authorized to extend the said road, opposite to the buildings on the east end of High-street, in the borough aforesaid."

Ordered, That it be prepared for the third reading.

The bill entitled, "An act confirming the title of James Robison to certain lands therein mentioned," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Brady in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

The bill entitled, "An act to empower John Wilt and George Shettle, executors of Paul Wilt, deceased, to purchase a tract of land, in trust for Philip Weldy,

Maria his wife, and her heirs," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Hart in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

On motion of Mr. Miller and Mr. Sommer,

The said bill was considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act authorizing the administrators of the estate of Jonas Heverstrite, to convey a lot of land in Abington township, Montgomery county," was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "A supplement to the act entitled, "An act for the sale of goods distrained for rent, and to secure such goods to the person distraining the same, for the better security of rents, and for other purposes therein mentioned," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Pennell, in the chair) for the further consideration of the same. And,

After some time,

The committee rose, and reported the bill without amendment.

The bill entitled, "An act declaring the marriage of Samuel Hamm and Mary Hamm (late Mary Beer-brower) to be fraudulent, null, and void," was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act appropriating the state-house in the city of Philadelphia, to the use of Congress, if, within a limited period, the seat of the national government shall be removed to the said city of Philadelphia," was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act to erect the town of Kutztown, in the county of Berks, into a borough, was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Vance in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

On motion of Mr. Hiester and Mr. Rahm,

The said bill was considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

Mr. Miller, from the committee appointed for that purpose, made report, That the committee, in conjunction with the committee of the House of Representatives, this day presented to the Governor for his approbation, the bills, entitled as follow, *to wit*:

1. "An act to exonerate the real estate of Adam Nees, deceased, from a lien which the Commonwealth is supposed to have on the same."

2. "An act to authorize the commissioners of the county of Northampton, to affirm a contract made with Jacob Stroud."

3. "An act to provide for the erection of a house for the employment and support of the poor, in the county of Cumberland."

4. "An act granting an annuity to Christian Shockey."

5. "A supplement to an act entitled, "A supplement to an act entitled, "An act for the more speedy and effectual collection of certain debts due to the Commonwealth."

6. "An act for discharging the sureties of Jonathan Penrose, deceased, late sheriff of the city and county of Philadelphia, from the payment of a sum of money therein mentioned."

Adjourned until nine o'clock, to-morrow morning.

*Thursday, March 24, 1808.*

Mr. Pennell, from the committee to whom was referred on the twelfth instant, the petition of the subscribers thereto, brigade-inspectors of the first and second brigades of the first division of Pennsylvania militia, made the following report, *to wit* :

That they have had the subject referred to them, under consideration; and, having carefully examined the same, beg leave to offer the following resolution :

Resolved, That the prayer of the petitioners ought not to be granted. And,

On motion,

The said report was read the second time, and the resolution adopted.

The bill entitled, "An act authorizing the administrators to the estate of Jonas Heverstrite, to convey a lot of land in Abington township, Montgomery county," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "A supplement to an act entitled, "An act securing to mechanics and others, payment for their labor and materials, in erecting any house or other building within the city and county of Philadelphia," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill with one amendment, (extending the provisions of the act to the borough of Lancaster) in which the concurrence of that House is requested.

The bill entitled, "A supplement to the act for the regulation of the militia of the Commonwealth of Pennsylvania," was read the third time.

Whereupon,



The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill with amendments; in which the concurrence of that House is requested.

Which amendments are : At the end of the first section, to insert a provision, that the field-officers of the 141st regiment, or a majority of them, may have power to direct training by regiment, instead of battalions; with a few verbal amendments.

The bill entitled "An act to empower John Wilt and George Shettle, executors of Paul Wilt, deceased, to purchase a tract of land, in trust for Philip Weldy, Maria his wife, and her heirs," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "An act authorizing the Surveyor-General to cause a re-survey to be made of certain lots of donation land," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled "A supplement to an act entitled, "An act to enable the Governor of this Commonwealth, to incorporate a company to make an artificial road from the Susquehanna river, at or near Wright's ferry, to the borough of York," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill with one amendment; in which the concurrence of that House is requested.

Which amendment is : " That the company be authorized to extend the road opposite the buildings on the east end of High-street, in said borough."

The bill entitled, " An act declaring the marriage of Samuel Hamm and Mary Hamm (late Mary Beer-brower) to be fraudulent, null, and void," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled " An act appropriating the state-house in the city of Philadelphia, to the use of Congress, if within a limited period the seat of the national government should be removed to said city of Philadelphia," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, " An act to incorporate the town of Kutztown, in the county of Berks, into a borough," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The Clerk of the House of Representatives presented for concurrence, three bills, entitled respectively as follow, *to wit* :

1. " An act further to extend the time for patenting lands, and for other purposes."

2. " An act to revive the act entitled, " An act providing that the person of a debtor shall not be liable to imprisonment for debt, after delivering up his estate for the benefit of his creditors, unless he hath been guilty of fraud or embezzlement."

3. "An act making appropriations to defray certain expences of government."

And for signature, four bills, entitled as follow :

1. "An act to dissolve the marriage contract between Alexander Kerr and Ruth his wife."

2. "An act supplementary to an act entitled, "An act to erect the town of Cannonsburg, in the county of Washington, into a borough."

3. "An act declaring Little Juniata river, in the county of Huntingdon, a public highway."

4. "An act to amend certain parts of an act entitled, "An act supplementary to the several acts of this Commonwealth, concerning partitions, and for other purposes therein mentioned."

And he informed, That the House of Representatives have concurred in the amendments by Senate to the bill entitled, "An act making appropriations for the improvement of the state road, leading from Philadelphia through West-Chester, to Strasburg."

The bills presented for concurrence, were severally read the first time.

The Speaker signed the bills presented for signature.

The bill entitled "An act confirming to James Robison the title to certain lots therein mentioned," was read the second time as reported by committee of the whole, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "A supplement to the act entitled, "An act for the sale of goods distrained for rent, and to secure such goods to the persons distraining, for the better security of rents, and for other purposes therein mentioned," was read the second time, as reported by committee of the whole, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act supplementary to an act entitled, "An act to organize the provisional county of Venango," was read the second time, considered by section, and agreed to.

The preamble, after being verbally amended, was adopted.

The title was agreed to.

Ordered, That it be prepared for the third reading.

On motion of Mr. Pennell and Mr. Roberts,

The following resolution was twice read, considered, and adopted, *to wit* :

Resolved, That the Senate will receive from the House of Representatives, all bills presented for concurrence, until twelve o'clock on Friday the twenty-fifth instant, and no longer, during the present session; and that the Clerk inform that House accordingly.

The resolution for procuring the reports of certain trials, by Thomas Lloyd, read yesterday, was again read, considered, and adopted.

On motion of Mr. Vance and Mr. Roberts,

The following resolution was twice read, considered, and adopted, *to wit* :

Resolved, That the Clerk cause an abstract of the report of the Secretary of the Commonwealth, respecting the contracts for improving roads and rivers, to be entered at the end of the Journal, as an Appendix.

On motion of Mr. Roberts and Mr. Hart, and by special order,

The bill entitled, "An act making appropriations to defray certain expences of government," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Dorsey in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

On motion of Mr. Roberts and Mr. Gress,

The said bill was considered by section.

Sections I. and II. were severally agreed to.

Moved by Mr. Vance and Mr. Roberts, that the following be inserted, and called,

"Section III. And be it further enacted by the authority aforesaid, That immediately after the passing of this act, all powers vested by any law of this Commonwealth, in the commissioners appointed under an act entitled, 'An act offering compensation to Penn-

sylvania claimants of certain lands within the Seventeen Townships in the county of Luzerne, and for other purposes therein mentioned,' passed the fourth day of April, one thousand seven hundred and ninety-nine, and the several supplements thereto, shall be, and hereby is suspended; and all proceedings had under the supplement of the ninth of April last, shall be stayed, and remain as they shall then be. And said commissioners shall deposit all records, books, and papers that may have come into their hands, relating to said commission; or that have been made out by their direction, in the office of the Secretary of the Land-Office, on or before the fifteenth day of May next; and return all drafts of surveys in their hands, made by their direction or otherwise, to the office of the Surveyor-General, on or before the fifteenth of May aforesaid. And it shall be, and hereby is made the duty of the Secretary of the Land-Office and the Surveyor-General, to make a report during the first week of the next session of the Legislature, of the situation of the business of said commission; shewing what has been done, what remains to be done, and what will be the probable expence to the state."

The question on agreeing thereto being put, was determined in the affirmative.

The title having been agreed to :

Ordered, That said bill be prepared for the third reading.

On motion of Mr. Laird and Mr. Mitchell,

The Senate resumed, in committee of the whole, ( Mr. Martin in the chair ) the consideration of the bill entitled, "*An act directing the distributing of the Digest of the Laws of this Commonwealth, in the German language,*" And,

After some time,

The committee rose, and reported the bill with one amendment; which was read as reported.

On motion of Mr. Laird and Mr. Roberts,

The said bill was considered by section.

Section I. being under consideration :

A motion was made by Mr. Hart and Mr. Sommer, to restore the words stricken out in committee of the

whole (allowing the Members of the Legislature each one copy of said Digest.)

On which motion,

The Yeas and Nays were required by Mr. Vance and Mr. Hart; and,

On the question being put, the Members voted as follow, *to wit*:

#### YEAS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Dorsey,
4. Mr. Gress,
5. Mr. Harris,
6. Mr. Hart,
7. Mr. Heston,
8. Mr. Hiester,

#### NAYS.

1. Mr. Martin,
2. Mr. Pennell,
3. Mr. Roberts,

#### YETS.

9. Mr. Laird,
10. Mr. Lattimore,
11. Mr. Miller,
12. Mr. Mitchell,
13. Mr. Rahm,
14. Mr. Slaymaker,
15. Mr. Sommer.

#### NAYS.

4. Mr. Vance.
5. Mr. Lane, *Speaker*.

Fifteen Yeas and Five Nays; by which it appeared, that the question was determined in the affirmative.

The remaining section, with the title, being agreed to:

Ordered, That said bill be prepared for the third reading.

On motion of Mr. M'Arthur and Mr. Martin, (who voted with the majority)

The Senate reconsidered the question on the first section of the bill entitled, "An act granting a sum of money to Elizabeth Buch, otherwise Pugh, for services rendered by her late husband during the revolutionary war."

And the said first and only section being again under consideration:

The question on agreeing thereto being put, was determined in the affirmative.

The preamble and title being agreed to:

Ordered, That said bill be prepared for the third reading.

The bill entitled, "An act to vest in and confirm to

the elders and wardens of the joint congregations of Lutherans and German reformed church of Zion, in Windsor township, in the county of Berks, the title to a tract of land therein mentioned," was read the second time as reported by committee of the whole, on the twenty-first instant, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act to establish a public ferry on the north side of the west branch of the Susquehanna river, in the county of Lycoming, and to vest the right thereof in Martin Updegraff, his heirs, and assigns," was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act for the relief of John McConahey, was read the second time, and considered by section.

The first and only section was agreed to.

The preamble was disagreed to.

The title was adopted.

Ordered, That said bill be prepared for the third reading.

The bill entitled, "An act for the advancement of justice, and to simplify the forms of proceedings in courts of law," was read the second time.

Whereupon,

On motion of Mr. Hart and Mr. Roberts, the said bill was postponed generally.

The bill entitled, "An act to afford immediate relief to Michael Drury, a soldier in the revolutionary war, and to grant him an annuity," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Harris in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

The Clerk of the House of Representatives presented for concurrence, the bills entitled as follow, *to wit*:

1. "An act to continue an act entitled, "An act to provide for the inspection of ground black oak bark, intended for exportation."

2. "An act granting certain powers to the inhabitants of the northern part of the township of Moyamensing."

3. "An act for the further establishment and regulation of election districts."

4. "A further supplement to the act entitled, "An act to regulate arbitrations and proceedings in courts of justice."

And he presented for signature, the bills entitled as follow, *to wit* :

1. "An act making appropriation for the improvement of the state road leading from Philadelphia, through West-Chester, to Strasburg, and also for the building and repairing of bridges in Delaware county."

2. "An act appropriating the state-house in the city of Philadelphia, to the use of Congress, if within a limited period the seat of the National Government shall be removed to the said city of Philadelphia."

3. "An act to empower John Wilt and George Shettle, executors of Paul Wilt, deceased, to purchase a tract of land, in trust for Philip Weldy, Maria his wife, and her heirs."

4. "An act authorizing the administrators to the estate of Jonas Heverstrite, to convey a lot of land in Abington township, Montgomery county."

5. "An act declaring the marriage of Samuel Hamm and Mary Hamm, (late Mary Beerbrower,) to be fraudulent, null, and void."

Whereupon,

The Speaker signed the said bills.

The bills presented for concurrence, were severally read the first time.

The Deputy-Secretary of the Commonwealth presented a message from the Governor; which was read, as follows, *to wit* :

*"To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

"GENTLEMEN,

"I HAVE this day approved and signed the following acts of the General Assembly, and directed



the Secretary, to return them to the House, in which they respectively originated, *viz.*

1. "An act for discharging the sureties of Jonathan Penrose, deceased, late sheriff of the city and county of Philadelphia, from the payment of a sum of money therein mentioned."

2. "A supplement to an act entitled, "A supplement to an act entitled, "An act for the more speedy and effectual collection of certain debts due to the Commonwealth."

3. "An act to provide for the erection of a house for the employment and support of the poor, in the county of Cumberland."

4. "An act to authorize the commissioners of the county of Northampton, to affirm a contract made with Jacob Stroud."

5. "An act granting an annuity to Christian Shockey."

6. "An act incorporating the Roman Catholic congregation of Christ Church, in the borough of West-Chester, in the county of Chester, and for other purposes therein mentioned."

7. "An act to exonerate the real estate of Adam Nees, deceased, from a lien which the Commonwealth is supposed to have on the same."

8. "An act to enable the Governor to incorporate a company, for making an artificial road from the city of Philadelphia, by Chad's ford, on Brandywine, to the line of the state, in a direction towards Baltimore."

9. "An act authorizing the Governor to contract with John Bioren, to print the laws of this Commonwealth."

"THOMAS M'KEAN.

"*Lancaster, March 24, 1808.*"

The bill entitled, "An act for the relief of Mary Backhouse," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Pennell in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

The report of the committee to whom was referred the petitions of the subscribers thereto, residing north and west of the rivers Ohio, and Allegheny, and Conewango creek, read on the 15th instant, was again read, and the resolution attached thereto adopted, *to wit*:

Resolved, That a committee be appointed to bring in a bill for the purpose of ascertaining and deciding whether the Commonwealth has a right to, and can exercise dominion legally over certain lands, north and west of the rivers Ohio, and Allegheny, and Conewango creek, by granting the same lands to any actual settlers, who have not entered into contracts with the original warrantees, in cases where default has occurred.

Ordered, That the committee who brought in the report, be the committee for the purpose expressed in the said resolution.

On motion of Mr. Pennell and Mr. Roberts,

Agreed, That when Senate adjourn, it adjourn to meet at half past three o'clock, this afternoon.

The bill entitled, "An act to vest in, and confirm to the elders and wardens of the joint congregations of Lutherans and German reformed church in Bern township, in the county of Berks, the title to a tract of land therein mentioned," was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act supplementary to an act passed the second day of March, one thousand eight hundred and five, entitled, "An act to organize the provisional county of Armstrong," was read the second time, considered by section, verbally amended, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act granting Benjamin Jennings the depreciation of his pay, as a soldier during the late revolutionary war," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Roberts in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with the first section negatived.

On motion of Mr. Roberts and Mr. Pennell,

The report of the committee of the whole, on the said bill, was considered and adopted.

And so the bill was lost.

The bill entitled, "An act further to extend the time for patenting lands, and for other purposes," was read the second time, and referred to Mr. Sommer, Mr. Roberts, and Mr. Harris, to consider and report thereon.

The bill entitled, "An act for the further establishment and regulation of election districts," was read the second time, and referred to Mr. Hart, Mr. Miller, and Mr. Hiester, to consider and report thereon.

Adjourned till half past 3 o'clock, in the afternoon.

*SAME DAY...in the afternoon.*

Mr. M'Arthur, from the committee to whom was referred on the second instant, the petition and representation of James White, on leave now given, reported the bill entitled, "A supplement to the act entitled, "An act making appropriation for the improvement of certain roads in the western counties, and authorizing the courts of the respective counties to appoint fit persons to view and lay out the same;" which was read the first time.

Mr. Brady, from the committee to whom was referred on the seventeenth of last month, the petition of Archibald M'Guire, made the following report, *to wit*:

That the committee have attended to the subject referred to them, and find that the said M'Guire was duly appointed a second lieutenant in the army of the United States, on the fourth day of March, one thousand seven hundred and seventy-seven; and that he served in that capacity until he became supernumerary, by a derangement which took place in said army: that he continued in that situation, not being discharged nor resigning, until the close of the war; all which appears by the original appointment being produced, and also the deposition of captain John Steele, under whom Mr.

M'Guire served, and who is still living. It also further appears, from a certificate signed by George Duffield, Comptroller-General, that he, the said M'Guire, has not received any depreciation of pay. It is just and reasonable that the said M'Guire should be fairly compensated for his services; but the committee have not been able to ascertain the exact time said M'Guire continued in actual service, which might have some influence on his equitable claims. The committee therefore submit the following resolution:

Resolved, That the subject be referred to the attention of the next Legislature.

Whereupon,

On motion of Mr. Brady and Mr. Mitchell,

The said report was again read, considered, and the resolution thereto attached, adopted.

Mr. Vance, from the committee of accounts, made further report, in part; and the same was read, as follows, *to wit*:

That they have examined the estimates produced by the several printers of the Senate, and are of opinion, that the sum of eleven hundred dollars should be placed in the hands of the Clerk, to enable him to pay the balances of the accounts of the several printers, when the printing work shall have been completed and examined, in conformity with the resolution of Senate, of the ninth of December last. The committee therefore offer the following resolution:

Resolved, That the Speaker draw his warrant on the State-Treasurer, in favor of George Bryan, Clerk of the Senate, for the sum of eleven hundred dollars, to enable him to settle with the several printers of the Senate, he to account for the same.

Whereupon,

On motion of Mr. Vance and Mr. Martin,

The said report was again read, considered, and the resolution attached thereto, adopted; and a warrant accordingly so drawn.

On motion of Mr. Vance and Mr. Heston,

The following resolution was twice read, considered, and adopted, *to wit*:

Resolved, That the Clerk, in settling the accounts

of William C. Smyth, printer of the Journal in the English language, and William Greear, printer of the Bills, do allow, *to wit*: The former, a sum not exceeding one hundred and twenty dollars; and the latter, a sum not exceeding sixty dollars, for the differences between the prices of the paper used by the said Greear, in the bills of the last and present sessions, and for similar differences by said Smyth, and the prices of the paper, which, under their contract, they were to use, (but which, as is represented, they could not procure) and the extra charges incurred by the said Smyth in procuring his paper, in consequence of his contract with the Senate not having been entered into, until those of the House of Representatives had been entered into; and all the paper (as is represented) engaged: the Clerk receiving, in the first place, satisfactory documents to ascertain the said differences and extra charges.

Mr. Sommer, from the committee to whom was referred in the forenoon, the bill entitled, "An act further to extend the time for patenting lands, and for other purposes therein mentioned," reported the said bill without amendment.

The Clerk of the House of Representatives presented for concurrence, the bills, entitled as follow, *to wit*:

1. "An act supplementary to the several laws of this Commonwealth, respecting foreign attachments."

2. "An act for annexing part of Northumberland county, to the county of Luzerne."

3. "An act authorizing a review of the state road, leading from Blair's Gap, to the western boundary line of the state, so far as the same lies in Armstrong and Cambria counties."

4. "An act to approve the report of the commissioners, appointed to explore and mark out a road from the point where the Coshecton and Great Bend turnpike passes through Moosic mountain, to the west line of the state, and for other purposes."

5. "An act supplementary to the penal laws of this Commonwealth."

6. "An act to establish an auction store in the borough of Lancaster."

Which were severally read the first time.

The bill entitled, "An act granting certain powers to the inhabitants of the northern part of the township of Moyamensing," was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "A supplement to an act entitled, "An act making appropriation for the improvement of certain roads in the western counties, and authorizing the courts of the respective counties to appoint fit persons to view and lay out the same," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Laird in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

The bill entitled, "An act to establish an auction store in the borough of Lancaster," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. M'Arthur in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

On motion of Mr. Sommer and Mr. Miller,

The said bill was considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act to revive the act entitled, "An act providing that the person of a debtor shall not be liable to imprisonment for debt, after delivering up his estate for the benefit of his creditors, unless he hath been guilty of fraud or embezzlement," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Sommer in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

On motion of Mr. Sommer and Mr. Roberts,

The said bill was considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act authorizing a review of the state road, leading from Blair's Gap, to the western boundary line of the state, so far as the same lies in Armstrong and Cambria counties," was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act supplementary to the several laws of this Commonwealth, respecting foreign attachments," was read the second time, and referred to Mr. Roberts, Mr. Sommer, and Mr. Dorsey, to consider and report thereon.

Mr. Miller, from the committee appointed for that purpose, made report, That the committee, in conjunction with the committee of the House of Representatives, this day presented to the Governor for his approbation, the bills entitled as follow, *to wit*:

1. "An act supplementary to an act entitled, "An act to erect the town of Cannonsburg, in the county of Washington, into a borough."

2. "An act to amend certain parts of an act entitled, "An act supplementary to the several acts of this Commonwealth, concerning partitions, and for other purposes therein mentioned."

3. "An act declaring Little Juniata river, in the county of Huntingdon, a public highway."

4. "An act making appropriations for the improvement of the state road, leading from Philadelphia, through West-Chester, to Strasburg, and also for the building and repairing of bridges in Delaware county."

5. "An act declaring the marriage of Samuel Hamm and Mary Hamm (late Mary Beerbrower) to be fraudulent, null, and void."

6. "An act authorizing the administrators of the estate of Jonas Heverstrite, to convey a lot of land in Abington township, Montgomery county."

Adjourned until nine o'clock, to-morrow morning.

*Friday, March 25, 1808.*

The Speaker laid before the Senate, a letter from the chief justice, and the other justices of the supreme court ; which was read, as follows, *to wit :*

*To the honorable the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

The undersigned Judges of the Supreme Court of the said Commonwealth, respectfully represent :

That, in the month of July last, they received notice of an act of Assembly passed at the last session, requiring them to examine and report to the present Legislature, which of the English statutes are in force in this Commonwealth ; and which of those statutes, in their opinion, ought to be incorporated into the statute laws of this Commonwealth.

They are fully sensible of the importance of the trust reposed in them ; and ready at all times to devote their labor to the public service. But, not conceiving it to be the intent of the Legislature, nor consistent with the official duty of the judges, that the administration of justice should be interrupted for the purpose of executing this work, they have found it impossible to complete it ; because, in fact, there has been but very little time in which some of the court have not been occupied in the official discharge of their duties. They have, however, the satisfaction of stating, that, by making the best use of their time, they have made very considerable progress ; so that they have reason to suppose, they shall be able to make their report to the next Legislature.

WILLIAM TILGHMAN,  
J. YEATES,  
THOMAS SMITH,  
H. H. BRACKENRIDGE.

*Philadelphia, March 22, 1808.*

Mr. Mitchell presented the petition of the subscribers thereto, inhabitants of Rye township, Cumberland county ; praying, That the place of holding the elections in the said township, may not be changed as desired by the petition of certain inhabitants there-



of. And the said petition was twice read, and referred to the committee of the whole, when that committee shall have under consideration, the bill for the further regulation of election districts.

Mr. Hart presented the petition of the subscribers thereto, inhabitants of Bucks county; praying, That the commissioners of the said county may be authorized to assess and levy a tax on every owner of a dog or dogs in said county. And the said petition was twice read, and referred to Mr. Hart, Mr. Sommer, and Mr. Roberts, to consider and report thereon; by bill or otherwise.

Mr. Roberts, from the committee appointed on the eighteenth of December last, to inquire if any, and what further provisions ought to be made, by law, respecting the conflicting claims to land in the Seventeen Townships in the county of Luzerne; and to whom was referred on the sixteenth instant, the report of the commissioners on the subject of the said claims, made the following report, *to wit*:

That, after a careful examination of the subject and papers referred to them, they are under the necessity of stating to Senate, that on the points in their resolution, where an explicit and detailed report was most to be wished, *to wit*, on the sixth and seventh questions, the report made by the commissioners is vague and unsatisfactory; and that the conclusions by them, as to the probable result of the commission, are such as the committee believe their duty forbids them to assent to.

In a report of the former commissioners, dated November the third, one thousand eight hundred and three, it is said, "That every Connecticut title is taken and recorded, every dispute among the Connecticut claimants has been heard and settled, every township has been run out, and every lot and subdivision in every township has been ascertained, surveyed, and valued." It is further stated, That some exceptions might lie against the Pennsylvania claims, that might require some further deliberation before they could be certified; and that it was necessary to make out some draughts and other documents which

might delay the closing of the commission till the latter end of May. The Governor informed the Legislature on the sixth of December, one thousand eight hundred and four, the Luzerne commission would "soon be brought to a fair, a satisfactory, and salutary conclusion;" and, in his communication of the following year he informs the Legislature, that the commissioners "have performed their trust with impartiality and decision." After reading the report of one thousand eight hundred and three, above cited, it must create some surprize to find, that, notwithstanding the commissioners fixed the end of May, one thousand eight hundred and four, as the time when the certificates would be all issued, (and comparing what they had done, with what remained to be done, it was certainly a liberal allowance of time) that, on the sixth of December following, the business was still unclosed. But this surprize must be much increased, when it is found, the commission was still existing on the ninth of April last, fifteen months after the date of the Governor's address communicating the close of it. Taking into view, that the monstrous sum of forty thousand dollars had been expended on the contingent expences of the commissioners before that time, it becomes an object of much importance to the state, that the true situation of the commission, at the passing of the last supplement, should be known, as well as what may be expected to be done under the present law.

To obtain information on the former point, the seventh question contained in the resolution of Senate was submitted. This measure, it will be recollected, was not resorted to, till reports had been had from the Secretary of the Land-Office and the Surveyor-General; stating, That no records of the commission, except as related to six out of fifteen townships; and that no general drafts of surveys of the fifteen towns, had been deposited in either of said offices according to law.

The commissioners, in answer to the seventh question, say; "It is believed, the records and drafts were deposited in the land-offices, because they obtained the

township surveys, and the list of valuation as adjudged by the former commissioners, from thence." The difficulties hitherto occurring in tracing the business of the former commission shews, most indubitably, that the business thereof has been conducted, in the latter stages, with extreme negligence and confusion.

The committee, in the alternative of being referred back to the Land-Office for the records, have made further inquiry, and find, that some time in the spring of one thousand eight hundred and six, a wheelbarrow full of books and papers were left at the Surveyor-General's office, it is understood, by the directions of George Haines, a clerk of the commissioners. In a very short time, on the suggestion of the Surveyor-General, Mr. Haines had them wheeled to the Secretary's office, and they were there unladen without form or order. Not having been delivered to the Secretary of the Land-Office, lawfully, as it was the duty of the commissioners to have done, he has never considered them as under his care, as submitted to his inspection, or as having become accountable for them. This negligence and disregard of official duty, to the detriment of public interest, is connected with other facts that ought at least to create surprize. The committee have already observed, that, on the third of November, one thousand eight hundred and three, the commissioners reported, the business was chiefly done, except the arrangement of papers, which they calculated to finish by the end of May following. From a report of the Register and Comptroller-Generals, now on the table of Senate, it appears, that an account was rendered by one of the commissioners to them, on the twenty-second of March, one thousand eight hundred and six, amounting to sixteen hundred and forty-two dollars, for services done after the fourteenth of May, one thousand eight hundred and five; and part of which services were performed on the twenty-first of March, one thousand eight hundred and six, nearly four months after the Governor had officially informed the Legislature, that the business of the commission had been decisively closed. Combining all these circumstances with that of the supplement of the ninth day of April last, being

predicated upon the commission existing at the time it became a law, our surprize must be increased.

Though some of the papers were deposited in the Land-office, as before stated, they were not all there on the nineteenth of July, one thousand eight hundred and six, nor indeed does it appear they ever were there. Mr. Taylor, one of the commissioners, when applied to at that date, by the Secretary of the land-office, (not for the delivery of certain papers, relative to the three Connecticut titles in the township of Claverick) but merely to ascertain where they were, that the persons applying for copies of them, might find them; answered, that he had expected Mr. Haines had delivered them up, but not being found in the office, observes, they must remain in the trunk of the commissioners, at Lancaster. He speaks of other old title papers, then in his possession, in Philadelphia, which he proposed should be brought to the Land-office the ensuing week; but which never appear to have arrived. From this letter of Mr. Taylor, the committee are clearly of opinion, that even the commissioners considered the duties at an end, and that they can find no cause for their not delivering the papers, that can justify them. The committee think it cause of regret, that the mystery, in which the proceedings of the former commission are involved, were not unravelled before the passage of the supplemental law of last April.

The measure of giving titles to the Connecticut settlers, on the part of the Commonwealth, was a measure entirely of benevolence, a mere act of grace; and being so, she has a right, and it becomes her duty, to stop in the measure, whenever she finds her indulgence abused, or her interest injured. Her statutes are evidence, that she more than once extended the time of submission; and made the final adjustment of title more easy to the Connecticut settler, till all of them within the purview of the law of one thousand seven hundred and ninety-nine, were confirmed in their titles, except a few whose obstinate hostility to the jurisdiction of the Commonwealth, made them rather objects of punishment, than indulgence. And the committee believe the interests of the state required, that

her benevolence ought never to have been further extended.

The commissioners, in answer to the first, second and fifth questions, report the quantity of land, contained in the Fifteen Townships, as near as they can estimate, to be two hundred and fifty-two thousand acres; one hundred and ninety-one thousand acres of this have been certified to Connecticut settlers, by the former commissioners; twenty-five thousand have been adjudged by the present, and thirty-six thousand remains to be examined. Eighty-nine thousand acres held under Pennsylvania titles, have been released to the Commonwealth; ten thousand acres will come within the purview of the late act, twelve thousand acres of which only have been released; one hundred and twelve thousand acres certified to Connecticut settlers, have not been released to the Commonwealth; and, that forty-five thousand acres may be covered with Pennsylvania titles of one thousand seven hundred and ninety-two. In none of these estimates, do the commissioners pretend to be correct; but, on the last, they say it is impossible to tell what amount there may be. They do not pretend to say any thing on the Pennsylvania claims, from official documents. From the best information the committee have been able to obtain, they can place little reliance on the accuracy of that part of the report, as they believe the Pennsylvania title of one kind, or other, is co-extensive with the Fifteen Townships; and that the Connecticut title, under the law of last April, will embrace an equal extent. This being admitted, it becomes a question, if the land is confirmed to the Connecticut settler, which was not settled at the decree of Trenton, nor perhaps till long after the Pennsylvania rights under the law of one thousand seven hundred and ninety-two had been laid, whether the state will not be obliged, in justice, to compensate the Pennsylvania claimants; and whether, in passing the law of last year, the Legislature designed to confirm the Connecticut settlers in sixty-one thousand acres, perhaps more?

The commissioners do not state in their report, at what time they commenced their inquiries; but, from the report of the Treasurer, it appears, they drew two thousand dollars from the Treasury on the thirteenth of June last: it may therefore be presumed, they entered on their duties about that time. They state, they have adjudged twenty-five thousand acres to the Connecticut claimants, which will be comprised in about one hundred and forty certificates, which are mostly made out. As every township had been run out, and every lot in every township ascertained, surveyed and valued, the chief business of the commission must have been to examine Connecticut titles, (without the difficulty of settlement, valuation, or survey) and making out certificates. When it is recollected, that, in three summers, the rights to one hundred and ninety-one thousand acres, were ascertained, surveyed, valued, and mostly certified to Connecticut settlers, and eighty-nine thousand acres to Pennsylvania claimants, the progress made by the present commissioners has been less than might fairly have been expected. In their report to the Governor of January last, they say, that "what of business was then before them, they hoped to be through in about two weeks, if the time for submission of Pennsylvania claimants was not extended." In their report to Senate, they say, "they will be done in a short time." An error, they state, arose in their report to the Governor, of eleven thousand acres, in the estimate of lands uncertified to Connecticut settlers. If the commissioners, when writing that report, had the township surveys before them, it is difficult to see how such a mistake could happen; but whether they had, or not, cannot be determined, as the committee have been unable to discover that general drafts of all the townships have ever been made out. If this should be the case, the want of official precision in the report, may easily be accounted for, as it must be a work of much labor, to ascertain it from the separate drafts in the Surveyor-General's office. In the opinion of the committee, these circumstances imperiously require a settlement of the commission, and a complete explication of its business.

The report of the commissioners sets forth, that, as the money expended under the act of the fourth of April, one thousand seven hundred and ninety-nine, has well nigh brought to a conclusion a dispute that has subsisted so many years, it ought not to be regretted, or considered as a loss to the Commonwealth. The object of expending money in quieting this controversy, peaceably, arose entirely from a benevolent disposition in the Legislature to reclaim to their duty, a portion of the citizens of the Commonwealth, who had been led by designing men, to disavow the jurisdiction of the state, at a time, and under circumstances, that would have justified her in coercing a submission. The terms of confirmation were: that the lands should be held under the regulations of the Connecticut Susquehanna company; that the lots should have been settled at or before the Decree of Trenton, and have been particularly assigned the settler before that time. However expensive to the state it may be to carry those provisions into effect, it would certainly be right it should now be done. But the committee believe, the principles of compromise ought not to have been extended, and more especially at a moment when the commissioners can give no satisfactory information on any of the questions submitted by Senate. Peace and good order is one of the first blessings that can be enjoyed in any government; but, in expending the public money, the Legislature should never forget it belongs to the whole Commonwealth, and that, in making appropriations, they ought not only to be well assured that the object was just, that the application would be faithful, but that the amount, as near as possible, should be first ascertained. To proceed on so slender an evidence of the rightfulness of the measure as the vague report of the commissioners, the committee believe could not be justified, as they apprehend money may be expended on the commission, that might excite regret, if it has not already been done.

The committee cannot admit the position of the commissioners, that the dispute is well nigh closed. Sixty-one thousand acres were embraced in the law of last year, in addition to what had been confirmed before:

and a bill is now before the Legislature, that includes the whole county of Luzerne. The demands of the intruders have increased with the liberality of the state; and, if their applications are admitted, the business is yet on the threshold only, and the revenues of the state may be burdened for many years to come; and, what is worse, it will be taxing the faithful citizens, to benefit speculators and intruders.

The commissioners hold out the idea, the state will be nearly reimbursed by the purchase-money and fees to be paid by Connecticut settlers. The confused and mysterious state of the commission, makes it somewhat difficult to come at the true state of the case; but the committee believe they can bring into view, facts, that will destroy the illusion. The land has been valued, say the commissioners, to Connecticut settlers, at about thirty-two cents per acre. The average price per acre, adjudged to Pennsylvania claimants in the first six townships, is one dollar and seventy-nine cents. Taking these two ratios to make the estimate, (and it is believed they are pretty just) it will make the valuation to Connecticut settlers, seventy-eight thousand six hundred and forty dollars for the Fifteen Townships; and to Pennsylvania claimants, four hundred and fifty-one thousand dollars—the difference, three hundred and seventy-one thousand dollars. To this if we add forty-five thousand dollars already expended by the commissioners, it will make the difference of four hundred and sixteen thousand dollars: for it can make no difference to the state, whether the compensation is all to be paid in cash, or deducted for non-payment of monies due to the state from Pennsylvania claimants, as those debts are at least as good as the debts from the Connecticut settlers. Much reliance is placed on the patenting and surveying fees making up much of the difference; but, if it is considered, that any quantity of land may be covered with one patent, that, in some cases very nearly a thousand acres are included in one certificate, under the former law; and under the present, seven thousand may be included: and, that in the few cases where patents have been taken out, several certificates have been included in one patent, it must



be evident, that a monstrous balance must lie against the state; and the more especially when it is considered, that the Pennsylvania claimants may sue the state, where their lands have not been released, and the state must pay the cost of suit, as well as the appraised value of the land. In one case at least, under the present law, seven thousand five hundred acres have been submitted in one tract. The land is settled by what are called *Squatters*; and it is apprehended, that the right of settlement and improvement will be set aside, while a spurious written title will adjudge it to be confirmed to a speculator.

The committee believe it to be their duty, to bring to view of Senate, the state of the monies due from Connecticut settlers. Very few patents have issued, and the whole amount of monies paid, is six thousand dollars, in six years. No interest is paid on the patent fees; they do not increase by delay. It is eight years from the time the certificate issues, before the whole of the money is on interest. The interest is not made a principal; then, and well managed, it becomes yearly a fund of profit to the debtor, and it is his interest not to pay it. These facts will appear in stronger light, when it is considered, that, after the state has offered patents by securing the money on mortgage without cost, it has had very little effect in getting the settler to patent. The certificate is known to be a good title against every claimant, beside the state, and it is transferred as such; the resource to be relied upon, then, is to sell the lands. The committee need not state, what advantage will be likely to result to the finances from such an event. They hope to be allowed to repeat, that the state, in confirming title to the Connecticut settlers, never acknowledged any right in them to the land; it was only an act of benevolence, and what she has done of her own mere will, will not be held up as a reason to require her to extend her indulgence to all who may call themselves Connecticut settlers, or further than she wills. Finally; under all these considerations, (and even more might be adduced) the committee are clearly of opinion, that every principle of good faith

will admit, and that sound policy, as it regards the interest of the Commonwealth, requires, that the Luzerne commissioners should be suspended till their proceedings are clearly explained.

Therefore,

Resolved, That the subject be recommended to the early and special attention of the next Legislature.

Mr. Hart, from the committee to whom was referred the bill entitled, "An act for the further establishment and regulation of election districts," reported the said bill with amendments; which were read as reported.

Mr. Roberts, from the committee to whom was referred the bill entitled, "An act supplementary to the several laws of this Commonwealth, respecting foreign attachments," reported the said bill without amendment.

On motion of Mr. Roberts and Mr. Dorsey,

The said bill was postponed, and recommended to the attention of Senate at their next session.

On motion of Mr. Dorsey and Mr. Hiester,

The committee to whom was referred on the twenty-first instant, the petition of the subscribers thereto, victuallers, residing in the city of Philadelphia and the vicinity, were discharged from the further consideration thereof.

The bill entitled, "An act confirming the title of James Robeson to certain lands therein mentioned," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "A supplement to the act entitled, "An act for the sale of goods distrained for rent, and to secure such goods to the person distraining the same, for the better security of rents, and for other purposes therein mentioned," was read the third time.

Whereupon,

On motion of Mr. Sommer and Mr. Roberts, and by unanimous consent,

The said bill was amended, by adding to the third section, "And in cases of removal from, or surrender of any tenement, messuage, or plantation taken by the year, the tenant shall give three months notice thereof, to his landlord, previous to the expiration of his term, under the penalty of half a year's rent, to be recovered in the same manner that rent is or may be recoverable." And,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill with one amendment (as above); in which the concurrence of that House is requested.

The bill entitled, "An act making appropriations to defray certain expences of government," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill with one amendment; in which the concurrence of that House is requested.

Which amendment is: To add a new section, to be called section III.

(For which see Journal of yesterday.)

The bill entitled, "An act supplementary to an act entitled, "An act to organize the provisional county of Venango," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill with amendments; in which the concurrence of that House is requested.

(The amendments are merely verbal.)

The bill entitled, "*An act directing the distributing of the Digest of the Laws of this Commonwealth, in the German language,*" was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "An act granting a sum of money to Elizabeth Buch, otherwise Pugh, for services rendered by her late husband in the revolutionary war," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "An act to vest in, and confirm to the elders and wardens of the joint congregations of Lutheran and German reformed church of Zion, in Windsor township, in the county of Berks, the title to a tract of land therein mentioned," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "An act to vest in, and confirm to the elders and wardens of the joint congregations of Lutheran and German reformed church, in Bern township, in the county of Berks, a title to a tract of land therein mentioned," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "An act to establish a public ferry on the north side of the west branch of the Susquehanna river, in the county of Lycoming, and to vest the right thereof in Martin Updegraff, his heirs and assigns," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "An act to establish an auction store in the borough of Lancaster," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "An act to revive the act entitled, "An act providing that the person of a debtor shall not be liable to imprisonment for debt, after delivering up his estate for the benefit of his creditors, unless he hath been guilty of fraud or embezzlement," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "An act granting certain powers to the inhabitants of the northern part of the township of Moyamensing," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "An act for the relief of John M'Conahey," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Re-

presentatives, with information, that Senate have passed the said bill with one amendment; in which the concurrence of that House is requested.

Which amendment is to strike out the preamble.

The bill entitled, "An act supplementary to an act, passed the second day of March, one thousand eight hundred and five, entitled, "An act to organize the provisional county of Armstrong," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill with amendments; in which the concurrence of that House is requested.

(The amendments are merely verbal.)

The Clerk of the House of Representatives presented for concurrence, the bills and resolution, entitled as follow, *to wit* :

1. "An act to repeal the act entitled, "An act to regulate fences, and to encourage the raising of swine, and for other purposes, so far as respects the counties of Washington and Allegheny."

2. "An act granting Robert Hunter an annuity for life."

3. "An act for the relief of Michael Wann, a soldier in the late revolutionary war."

4. "An act to afford immediate relief to Albright Weaver, a soldier during the revolutionary war, and to grant him an annuity."

5. "An act for the sale of vacant unimproved land within certain parts of this commonwealth."

6. "An act to authorize the Governor to subscribe for a certain number of copies of the second volume of a Digest of the Laws of this Commonwealth, in the German language,"

7. "An act to prohibit the sale of land for taxes, upon which the state has a lien."

8. "A resolution for supplying Members of the present Legislature with the eighth volume and the laws of the present session."

And he returned, the bill entitled, "An act to dissolve the marriage of Jacob Mayer and Catharine his wife." And informed,

That the House of Representatives have passed the said bill without amendment.

He further informed, That the house of Representatives have concurred in the amendments by Senate, to the bills entitled, *to wit*:

1. "A supplement to the act for the regulation of the militia of the Commonwealth of Pennsylvania."

2. "A supplement to an act entitled, "An act to enable the Governor of this Commonwealth to incorporate a company to make an artificial road from the Susquehanna river, at or near Wright's ferry, to the borough of York."

3. "An act supplementary to an act entitled, "An act to organize the provisional county of Venango."

4. "An act supplementary to an act passed the second day of March, one thousand eight hundred and five, entitled, "An act to organize the provisional county of Armstrong."

But have non-concurred in those to the two following bills, *to wit*:

1. "A supplement to the act entitled, "An act for the sale of goods, distrained for rent, and to secure such goods to the persons distraining the same, for the better security of rents, and for other purposes therein mentioned."

2. "An act for the relief of John M'Conahey."

And he presented for signature, two bills entitled respectively as follow, *to wit*:

1. "A supplement to the act for the regulation of the militia of the Commonwealth of Pennsylvania."

2. "A supplement to an act entitled, "An act to enable the Governor of this Commonwealth to incorporate a company, to make an artificial road from the Susquehanna river, at or near Wright's ferry, to the borough of York."

Whereupon,

The Speaker signed the said bills.

The bills presented for concurrence, were severally read the first time.

The bill entitled, "An act authorizing a review of the state road, leading from Blair's Gap, to the western boundary line of the state, so far as the same lies in Armstrong and Cambria counties," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "An act to afford immediate relief to Michael Drury, a soldier in the revolutionary war, and to grant him an annuity," was read the second time, as reported by committee of the whole, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act for the relief of Mary Backhouse," was read the second time, as reported by committee of the whole, considered by section, and agreed to;

Ordered, That it be prepared for the third reading.

The bill entitled, "A supplement to an act entitled, "An act making appropriation for the improvement of certain roads in the western counties, and authorizing the courts of the respective counties to appoint fit persons to view and lay out the same," was read the second time, as reported by committee of the whole, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

On motion of Mr. M'Arthur and Mr. Hart, and by unanimous consent,

The said bill was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

Agreeably to order, the bill entitled, "An act to amend the act entitled, "An act to raise and collect county rates and levies, and for other purposes," was read the second time.



Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Miller in the chair) for the further consideration thereof. And,

After some time,

The committee rose, reported progress, and had leave to sit again this afternoon.

On motion of Mr. Roberts and Mr. Hart,

Agreed, That when Senate adjourn, the adjournment be till 3 o'clock in the afternoon.

The bill entitled, "A supplement to the act entitled, "An act to alter the judiciary system of this Commonwealth," was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act making appropriations for the improvement of sundry state roads in this Commonwealth, and for other purposes therein mentioned," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Hart in the chair) for the further consideration thereof. And,

After some time,

The committee rose, reported progress, and had leave to sit again in the afternoon.

On motion of Mr. Hart and Mr. Roberts,

The petition of the subscribers thereto, praying for aid in improving the road over Pocono Mountain, was read the second time, and referred to the committee of the whole, when that committee shall have the last above mentioned bill under consideration.

The bill entitled, "An act to continue an act entitled, "An act to provide for the inspection of ground black oak bark, intended for exportation," was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act prohibiting the association of individuals for the purpose of banking," was read the second time, and considered by section.

Section I. being under consideration:

A motion was made by Mr. Roberts and Mr.

Sommer, to amend the section, by striking the following therefrom: "Provided also, that nothing herein contained shall be construed to extend to companies heretofore associated;" which was agreed to, and the section, as amended, adopted.

Section II. was agreed to.

A motion was then made by Mr. Roberts and Mr. Pennell, to add a new section, to be called section III. providing that the Treasurer and Land-Officers of this Commonwealth, should not receive the notes of any banks, except those of the United States, and those of incorporated banks within this state, nor any note of less denomination than five dollars; which was agreed to.

The preamble was disagreed to.

The title, being amended so as to correspond with the amendments made in the bill, was agreed to.

Ordered, That said bill be prepared for the third reading.

Adjourned till 3 o'clock, in the afternoon.

### *SAME DAY....in the afternoon.*

On motion of Mr. Vance and Mr. Martin,

The following resolution was twice read, considered, and adopted, *to wit*:

Resolved, That the Clerk is hereby directed to pay into the hands of Presly C. Lane, thirty-two dollars, for eight days service of a man, in serving the writ of election in the counties of Bedford, Huntingdon, and Somerset, on the resignation of Henry Wertz, late Senator of said counties.

On motion,

The further consideration, in committee of the whole, of the bill entitled, "An act making appropriations for the improvement of sundry state roads in this Commonwealth, and for other purposes therein mentioned," was postponed for the present.

The bill entitled, "A further supplement to the act entitled, "An act to regulate arbitrations and proceedings in courts of justice," was read the second time.

Whereupon,

The Senate resolved itself into committee of the

whole, (Mr. Brady in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill with one amendment; which was read as adopted. And,

On motion of Mr. Hart and Mr. Roberts,

The said bill was again read as reported by committee of the whole, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

On motion,

The further consideration, in committee of the whole, of the bill entitled, "An act to amend an act entitled, "An act to raise and collect county rates and levies," was postponed for the present.

The bill entitled, "An act to authorize the sale of certain real estate, late the property of James Costiloe, and for other purposes therein mentioned," was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act to prohibit the sale of lands for taxes, upon which the state has a lien," was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act for the further establishment and regulation of election districts," was read the second time as reported by select committee, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act for annexing part of Northumberland county to the county of Luzerne," was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act supplementary to the penal laws of this Commonwealth," was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act to approve the report of the commissioners appointed to explore and mark out a road from the point where the Coshecton and Great Bend turnpike passes through Moosic mountain, to the

west line of the state, and for other purposes," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Hart in the chair) for the further consideration thereof. And,

After some time,

The committee rose, and reported the bill without amendment.

The Clerk of the House of Representatives presented for signature, the bills entitled as follow, *to wit*:

1. "An act to establish a public ferry on the north side of the west branch of the Susquehanna river, in the county of Lycoming, and to vest the right thereof in Martin Updegraff, his heirs, and assigns."

2. "*An act directing the distributing of the Digest of the Laws of this Commonwealth, in the German language,*"

3. "An act supplementary to an act passed the second day of March, one thousand eight hundred and five, entitled, "An act to organize the provisional county of Armstrong."

4. "An act supplementary to an act entitled, "An act to organize the provisional county of Venango."

5. "An act to vest in, and confirm to the elders and wardens of the joint congregation of Lutherans and German reformed church, in Bern Township in the county of Berks, the title to a tract of land therein mentioned."

6. "An act to establish an auction store in the borough of Lancaster."

7. "An act to revive the act entitled, "An act providing that the person of a debtor shall not be liable to imprisonment for debt, after delivering up his estate for the benefit of his creditors, unless he hath been guilty of fraud or embeczzlement."

8. "An act granting certain powers to the inhabitants of the northern part of the township of Moyamensing."

9. "An act authorizing a review of the state road leading from Blair's Gap, to the western boundary line of the state, so far as the same lies in Armstrong and Cambria counties."

10. "An act granting a sum of money to Elizabeth Buch, otherwise Pugh, for services rendered by her late husband in the revolutionary war."

11. "An act to vest in, and confirm to the elders and wardens of the joint congregations of Lutheran and German reformed church of Zion, in Windsor township, in the county of Berks, the title to a tract of land therein mentioned."

12. "An act confirming the title of James Robeson to certain lands therein mentioned."

Whereupon,

The Speaker signed said bills.

The bill entitled, "An act further to extend the time for patenting land, and for other purposes," was read the second time as reported by select committee, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act granting Robert Hunter, an annuity for life," was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act for the relief of John Ashton," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be presented to the House of Representatives for concurrence.

The bill entitled, "An act to afford immediate relief to Albright Weaver, a soldier during the revolutionary war, and to grant him an annuity," was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The bill entitled, "An act for the relief of Michael Wann, a soldier in the late revolutionary war," was read the second time, and considered by section.

The first and only section being under consideration:

Was, after debate, disagreed to.

And so the bill was lost.

The bill entitled, "An act for the sale of vacant unimproved land within certain parts of this Commonwealth," was read the second time.

Whereupon,

The Senate resolved itself into committee of the whole, (Mr. Pennell in the chair) for the further consideration thereof. And,

After some time,

The committee rose, reported progress, and asked leave to sit again; which was not granted. And,

Thereupon,

The said bill was postponed for the present.

The bill entitled, "An act to authorize the Governor to subscribe for a certain number of copies of the second volume of the Digest of the Laws of this Commonwealth, in the German language," was read the second time, and considered by section.

The first and only section being under consideration :

Was, after debate, disagreed to.

And so the bill was lost.

The bill entitled, "An act to repeal the act entitled, "An act to regulate fences and encourage the raising of swine, and for other purposes," so far as respects the counties of Washington and Allegheny," was read the second time, considered by section, and agreed to.

Ordered, That it be prepared for the third reading.

The resolution for supplying Members of the present Legislature with the VIIIth. volume, and the Laws of the present session, was read the second time, considered, and concurred in.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the same without amendment.

Mr. Miller, from the committee appointed for that purpose, made report : That the committee in conjunction with the committee of the House of Representatives, have presented to the Governor for his approbation, the bills entitled as follow, *to wit* :

1. "An act to dissolve the marriage contract between Alexander Kerr and Ruth his wife."

2. "An act appropriating the state-house in the city of Philadelphia, to the use of Congress, if within a limited period the seat of the national government shall be removed to the said city of Philadelphia."

3. "A supplement to the act for the regulation of the militia of the Commonwealth of Pennsylvania."

4. "A supplement to an act entitled, "An act to enable the Governor of this Commonwealth to incorporate a company to make an artificial road from the Susquehanna river, at or near Wright's ferry, to the borough of York."

5. "An act to establish an auction store in the borough of Lancaster."

6. "An act granting a sum of money to Elizabeth Buch, otherwise Pugh, for services rendered by her late husband in the revolutionary war."

7. "An act confirming the title of James Robeson to certain lands therein mentioned."

8. "An act to revive the act entitled, "An act providing that the person of a debtor shall not be liable to imprisonment for debt, after delivering up his estate for the benefit of his creditors, unless he hath been guilty of fraud or embezzlement."

9. "An act granting certain powers to the inhabitants of the northern part of the township of Moyamensing."

10. "An act authorizing a review of the state road leading from Blair's Gap, to the western boundary line of the state, so far as the same lies in Armstrong and Cambria counties."

11. "*An act directing the distributing of the Digest of the Laws of this Commonwealth, in the German language.*"

12. "An act to vest in, and confirm to the elders and wardens of the joint congregations of Lutherans and German reformed church, in Bern Township in the county of Berks, the title to a tract of land therein mentioned."

13. "An act to establish a public ferry on the north side of the west branch of the Susquehanna river, in the county of Lycoming, and to vest the right thereof in Martin Updegraff, his heirs, and assigns."

14. "An act to vest in, and confirm to the elders and wardens of the joint congregations of Lutheran and German reformed church of Zion, in Windsor township, in the county of Berks, the title to a tract of land therein mentioned."

15. "An act supplementary to an act passed the second day of March, one thousand eight hundred and five, entitled, "An act to organize the provisional county of Armstrong."

16. "An act supplementary to an act entitled, "An act to organize the provisional county of Venango."

17. "An act to empower John Wilt and George Shettle, executors of Paul Wilt, deceased, to purchase a tract of land in trust for Philip Weldy, Maria his wife, and her heirs."

Adjourned till 9 o'clock to-morrow morning.

*Saturday, March 26, 1808.*

Mr. Vance, from the committee of accounts, made further report, in part; which was read, as follows, *to wit*:

That there are due to the Members and Officers of the Senate for their attendance in the present session, the following sums, *to wit*:

|                  |           |        |              |
|------------------|-----------|--------|--------------|
| Jacob Blocher,   | 119 days  | \$ 357 | <hr/> 384 80 |
|                  | 278 miles | 27 80  |              |
| James Brady,     | 119 days  | 357    | <hr/> 401    |
|                  | 440 miles | 44     |              |
| Thomas Campbell, | 119 days  | 357    | <hr/> 365 60 |
|                  | 86 miles  | 8 60   |              |
| John Dorsey,     | 119 days  | 357    | <hr/> 369 80 |
|                  | 128 miles | 12 80  |              |
| James Harris,    | 104 days  | 312    | <hr/> 338    |
|                  | 260 miles | 26     |              |
| Joseph Hart,     | 119 days  | 357    | <hr/> 374    |
|                  | 170 miles | 17     |              |
| Gabriel Hiester, | 119 days  | 357    | <hr/> 363 20 |
|                  | 62 miles  | 6 20   |              |



|                    |                       |                 |        |
|--------------------|-----------------------|-----------------|--------|
| Edward Heston,     | 119 days<br>118 miles | \$ 357<br>11 80 |        |
|                    |                       | <hr/>           | 368 80 |
| Matthias Gress,    | 119 days<br>160 miles | 357<br>16       |        |
|                    |                       | <hr/>           | 373    |
| James Laird,       | 119 days<br>224 miles | 357<br>22 40    |        |
|                    |                       | <hr/>           | 379 40 |
| William Lattimore, | 119 days<br>152 miles | 357<br>15 20    |        |
|                    |                       | <hr/>           | 372 20 |
| James Martin,      | 119 days<br>522 miles | 357<br>52 20    |        |
|                    |                       | <hr/>           | 409 20 |
| Christopher Mayer, | 119 days              |                 | 357    |
| William M'Arthur,  | 119 days<br>630 miles | 357<br>63       |        |
|                    |                       | <hr/>           | 420    |
| William Miller,    | 119 days<br>120 miles | 357<br>12       |        |
|                    |                       | <hr/>           | 369    |
| David Mitchell,    | 119 days<br>136 miles | 357<br>13 60    |        |
|                    |                       | <hr/>           | 370 60 |
| William Pennell,   | 119 days<br>110 miles | 357<br>11       |        |
|                    |                       | <hr/>           | 368    |
| Melchior Rahm,     | 119 days<br>72 miles  | 357<br>7 20     |        |
|                    |                       | <hr/>           | 364 20 |
| Jonathan Roberts,  | 119 days<br>100 miles | 357<br>10       |        |
|                    |                       | <hr/>           | 367    |
| Archibald Rankin,  | 119 days<br>186 miles | 357<br>18 60    |        |
|                    |                       | <hr/>           | 375 60 |
| Amos Slaymaker,    | 119 days<br>28 miles  | 357<br>2 80     |        |
|                    |                       | <hr/>           | 359 30 |
| Jacob Sommer,      | 119 days<br>156 miles | 357<br>15 60    |        |
|                    |                       | <hr/>           | 372 60 |

|                                    |           |        |        |
|------------------------------------|-----------|--------|--------|
| Joseph Vance,                      | 119 days  | \$ 357 |        |
|                                    | 548 miles | 54 80  |        |
|                                    |           | <hr/>  | 411 80 |
| Isaac Wayne,                       | 112 days  | 336    |        |
|                                    | 90 miles  | 9      |        |
|                                    |           | <hr/>  | 345    |
| P. C. Lane, <i>Speaker</i> ,       | 119 days  | 476    |        |
|                                    | 410 miles | 41     |        |
|                                    |           | <hr/>  | 517    |
| George Bryan, Clerk,               | 119 days  | 476    |        |
| his annual allowance by law        |           | 500    |        |
|                                    |           | <hr/>  | 976    |
| Stacy Potts, jun. Assistant Clerk, |           |        |        |
|                                    | 119 days  | 476    |        |
| his annual allowance by law        |           | 350    |        |
|                                    |           | <hr/>  | 826    |
| William Wilson, Sergeant-at-Arms,  |           |        |        |
|                                    | 119 days  | 238    |        |
| his annual allowance by law        |           | 150    |        |
|                                    |           | <hr/>  | 388    |
| Adam Hart, Door-Keeper,            |           |        |        |
|                                    | 119 days  | 238    |        |
| his annual allowance by law        |           | 150    |        |
|                                    |           | <hr/>  | 388    |

Whereupon, on motion,

The said report was again read, considered, and adopted; and warrants drawn on the State-Treasurer in favor of the persons therein named, for the amount respectively due to each.

Mr. Hart, from the committee to whom was yesterday referred the petition of the subscribers thereto, inhabitants of Bucks county, on leave then given, reported the bill entitled, "An act to authorize the commissioners of Bucks county, to lay a tax on dogs;" which was read the first time.

The message from the House of Representatives, informing, that that House do not concur in the amendment by Senate, on the bill entitled, "A supplement to the act entitled, "An act for the sale of goods distrained for rent, and to secure such goods to the persons distraining, for the better security of rents, and for other purposes therein mentioned," read yesterday, was again read.

Whereupon,

Resolved, That Senate insist on their amendment, and that Mr. Roberts, Mr. Vance, and Mr. Sommer, be a committee to confer with a committee of the House of Representatives, on the subject of said amendment, if that House shall appoint such committee.

Ordered, That the Clerk acquaint the House of Representatives accordingly.

The message from the House of Representatives, informing, that that House have not concurred in the amendment by Senate, on the bill entitled, "An act for the relief of John M'Conahey," read yesterday, was again read.

Whereupon,

Resolved, That Senate insist on their amendment on said bill. And,

Ordered, That the Clerk acquaint the House of Representatives thereof.

The bill entitled, "An act to afford immediate relief to Michael Drury, a soldier during the revolutionary war, and to grant him an annuity," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The Clerk of the House of Representatives returned the bills, entitled as follow, *to wit*:

1. "An act repealing the first section of "An act entitled, "An act supplementary to the act entitled, "An act that no public house or inn within this province be kept without licence."

2. "A supplement to an act entitled. "An act for raising by way of lottery, the sum of six thousand dollars, for defraying the expences of making an aqueduct to conduct water into the town of Meadville."

And informed, That the House of Representatives have passed said bills with amendments, in which the concurrence of Senate is requested.

Whereupon,

The amendment on the first mentioned bill, was read as follows, *to wit* :

“Strike out the preamble.”

The amendments on the latter bill, were read as follow, *to wit* :

Section I. Strike out all that follows the word “*that*” in line 4, to the end of the section, and insert “if any or all of the commissioners, named in the first and fourth sections of the act, to which this is a supplement, should die or refuse to discharge the duties enjoined on them, that, then it should be the duty of the commissioners of Crawford county, for the time being, and they are hereby authorized and required to supply such vacancies from time to time, as occasion may require, subject to all the regulations of the act, to which this is a supplement.”

Strike out the remaining sections.

The bill entitled, “An act for the relief of Mary Backhouse,” was read the third time.

Whereupon,

The question, “*Shall this bill pass?*” being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, “A further supplement to the act entitled, “An act to alter the judiciary system of this Commonwealth,” was read the third time.

Whereupon,

The question, “*Shall this bill pass?*” being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, “An act to continue an act entitled, “An act to provide for the inspection of ground black oak bark, intended for exportation,” was read the third time.

Whereupon,

The question, “*Shall this bill pass?*” being put, was determined in the affirmative.

Ordered, That it be returned to the House of Re-

presentatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "An act prohibiting the association of individuals for the purpose of banking," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill with amendments; in which the concurrence of that House is requested.

The amendments are :

Section I. strike out "And provided also, That nothing herein mentioned shall be construed to extend to companies heretofore associated."

Add a new section as follows :

Section III. And be it further enacted, &c. That from and after the first day of October next, the State-Treasurer, officers of the Land-Office, and every other officer appointed to collect and receive debts due the Commonwealth, are hereby prohibited from receiving any bank notes, except of the incorporated banks of this state, or the bank of the United States, nor any note of less denomination than five dollars.

Strike out the preamble.

Make the title read thus: "An act relating to the association of individuals for the purpose of banking and directing what notes shall be receivable in payment of debts due the state."

The bill entitled, "An act to authorize the sale of certain real estate, late the property of James Costiloe, and for other purposes therein mentioned," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "An act to prohibit the sale of

lands for taxes, upon which the state has a lien," was read the third time.

Whereupon,

On motion of Mr. M'Arthur and Mr. Roberts, and by unanimous consent,

The said bill was amended, by making it the duty of the Secretary of the Commonwealth, instead of the Secretary of the Land-Office, to give information to the county commissioners, as required in the bill. And

On the question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill with one amendment (as above); in which the concurrence of that House is requested.

The bill entitled, "An act for the further establishment and regulation of election districts," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill with amendments; in which the concurrence of that House is requested.

(The amendments are:)

"Section XIX. To fix the place for holding the general election in Washington township, Fayette county, at the stone school-house, on John Shreve's land, in said township."

Add three new sections to the bill, to be numbered as follow, *to wit*:

"Section XXXVIII. And be it further enacted by the authority aforesaid, That from and after the passing of this act, the township of Bensalem, in Bucks county, shall form an election district, and the electors thereof shall hold their general elections, at the house now occupied by John Johnston, in Bensalem township.

"Section XXXIX. And be it further enacted by the authority aforesaid, That the bounds contained and described in the first section of the act entitled, "An

act annexing part of Northumberland county, to the county of Luzerne," with this difference, that Nescopeck Mountain be the boundary line, instead of the creek ; be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by James Campbell, in said bounds.

"Section XL. And be it further enacted by the authority aforesaid, That Pymatuning township, in the county of Mercer, shall be an election district, and the electors thereof shall hold their general elections at the house now occupied by Godfrey Karns, in said township."

The bill entitled, "An act for annexing part of Northumberland county to the county of Luzerne," was read the third time.

Whereupon,

The question, "*Shall this bill pass ?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the same without amendment.

The bill entitled, "An act supplementary to the penal laws of this Commonwealth," was read the third time.

Whereupon,

The question, "*Shall this bill pass ?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "An act further to extend the time for patenting lands, and for other purposes therein mentioned," was read the third time.

Whereupon,

The question, "*Shall this bill pass ?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "An act granting Robert Hunter, an annuity for life," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "An act to afford immediate relief to Albright Weaver, a soldier during the revolutionary war, and to grant him an annuity," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "An act to repeal the act entitled, "An act to regulate fences and encourage the raising of swine, and for other purposes," so far as respects the counties of Washington and Allegheny," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The bill entitled, "A further supplement to the act entitled, "An act to regulate arbitrations and proceedings in courts of justice," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill without amendment.

The Clerk of the House of Representatives informed, that that House do not recede from their non-concurrence to the amendments by Senate, on the bill entitled, "A supplement to the act entitled, "An act for the sale of goods distrained for rent, and to secure such goods to the person distraining the same, for the better security of rents, and for other purposes therein mentioned," insisted on by Senate. And,



That they have appointed Messrs. Leib, Biddle and Weber, a committee to confer with a committee of the Senate, already appointed, on the subject of said amendment.

He informed further, That the House of Representatives have concurred in the amendments by Senate, to the bill entitled, "A supplement to an act entitled, "An act securing to mechanics and others, payment for their labor and materials, in erecting any house or other building within the city and county of Philadelphia."

And, that they have receded from their non-concurrence to the amendment by Senate, to the bill entitled, "An act for the relief of John M'Conahey."

And he presented for concurrence, an address to the Governor for the removal from office of Henry Evans, a justice of the peace in the county of Butler. And,

A resolution, directing the distribution of certain laws remaining in the Secretary's office.

Which were read the first time.

On motion,

The Senate resumed, in committee of the whole, (Mr. Hart in the chair) the further consideration of the bill entitled, "An act making appropriations for the improvement of sundry state roads in this Commonwealth. And,

After some time,

The committee rose, and reported the bill with amendments; which were read as reported.

The Deputy-Secretary of the Commonwealth presented a message from the Governor, which was read as follows, *to wit* :

*"To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

"GENTLEMEN,

"I HAVE this day approved and signed the following Acts of the General Assembly, and directed the Secretary to return the same to the House of Representatives, in which they originated :

1. "A supplement to the act for the regulation of the militia of the Commonwealth of Pennsylvania."
2. "An act granting certain powers to the inhabitants of the northern part of the township of Moyamensing."

3. "An act supplementary to an act passed the second day of March, one thousand eight hundred and five, entitled, "An act to organize the provisional county of Armstrong."

4. "An act to establish a public ferry on the north side of the west branch of the Susquehanna river, in the county of Lycoming, and to vest the right thereof in Martin Updegraff, his heirs, and assigns."

5. "An act to vest in, and confirm to the elders and wardens of the joint congregations of Lutheran and German reformed church of Zion, in Windsor township, in the county of Berks, the title to a tract of land therein mentioned."

6. "An act supplementary to an act entitled, "An act to organize the provisional county of Venango."

7. "An act granting a sum of money to Elizabeth Buch, otherwise Pugh, for services rendered by her late husband in the revolutionary war."

8. "*An act directing the distributing of the Digest of the Laws of this Commonwealth, in the German language.*"

9. "An act to vest in, and confirm to the elders and wardens of the joint congregations of Lutheran and German reformed church, in Bern township, in the county of Berks, a title to a tract of land therein mentioned."

10. "A supplement to an act entitled, "An act to enable the Governor of this Commonwealth to incorporate a company, to make an artificial road from the Susquehanna river, at or near Wright's ferry, to the borough of York."

11. "An act to revive the act entitled, "An act providing that the person of a debtor shall not be liable to imprisonment for debt, after delivering up his estate for the benefit of his creditors, unless he hath been guilty of fraud or embezzlement."

12. "An act authorizing the administrators to the estate of Jonas Heverstrite, to convey a lot of land in Abington township, Montgomery county."

13. "An act declaring the marriage of Samuel Hamm, and Mary Hamm, (late Mary Beerbrower) to be fraudulent, null, and void."

14. "An act supplementary to an act entitled, "An act to erect the town of Cannonsburg, in the county of Washington, into a borough."

15. "An act declaring Little Juniata river, in the county of Huntington, a public highway."

16. "An act appropriating the state house in the city of Philadelphia, to the use of Congress, if within a limited period the seat of the national government shall be removed to the said city of Philadelphia."

17. "An act to empower John Wilt and George Shettle, executors of Paul Wilt, deceased, to purchase a tract of land in trust for Philip Weldy, Maria his wife, and her heirs."

18. "An act to amend certain parts of an act entitled, "An act supplementary to the several acts of this Commonwealth, concerning partitions, and for other purposes therein mentioned."

19. "An act making appropriation for the improvement of the state road, leading from Philadelphia through West-Chester to Strasburg, and also for building and repairing of bridges, in Delaware county."

20. "An act to dissolve the marriage contract between Alexander Kerr and Ruth his wife."

21. "An act to establish an auction store in the borough of Lancaster."

22. "An act authorizing a review of the state road leading from Blair's Gap, to the western boundary line of the state, so far as the same lies in Armstrong and Cambria counties."

23. "An act confirming the title of James Robeson to certain lands therein mentioned."

"THOMAS M'KEAN.

"*Lancaster, March 26, 1808.*"

The amendment by the House of Representatives, on the bill entitled, "An act repealing the first section of an act entitled, "An act supplementary to an act entitled, "An act that no public house or inn within this province be kept without licence," was again read, considered, and adopted.

Ordered, That the Clerk acquaint the House of Representatives thereof.

The amendments by the House of Representatives,

on the bill entitled, "A supplement to an act entitled, "An act for raising by way of lottery, the sum of six thousand dollars, for defraying the expences of making an aqueduct to conduct water into the town of Meadville," were again read.

Whereupon,

Resolved, That Senate do not concur therein.  
And,

Ordered, That the Clerk acquaint the House of Representatives thereof.

On motion of Mr. Roberts and Mr. Pennell,

Senate adjourned till half past 3 o'clock, in the afternoon.

*SAME DAY....in the afternoon.*

Mr. Vance, from the committee of accounts, made further report, in part; which was read, as follows, *to wit*:

That the committee have examined the accounts of George Bryan, Clerk of the Senate, since his settlement (March first) and the vouchers for the disbursement of the money, intrusted to him, and find, that he has expended the sum of forty-one dollars thirteen cents more, than he has received from the Senate.

The following is an abstract of the Clerk's account, *to wit*:

|                                       |         |           |
|---------------------------------------|---------|-----------|
| Paid for books, binding and carriage, |         |           |
| per receipts,                         | - - - - | \$ 95     |
| Paid for newspapers for the use of    |         |           |
| Senate, per receipts,                 | - - - - | 67 68     |
| Paid for contingencies, <i>viz.</i>   |         |           |
| To P. C. Lane, per resolution of      |         |           |
| Senate,                               | - - -   | \$ 32     |
| George Moore, for postage, &c.        | 62      | 87        |
| Mathias Zahn's bill, for sundries,    | 36      | 26        |
| Adam Hart, for an assistant, per      |         |           |
| resolution of Senate,                 | - 29    | 75        |
| William Dickson's bill,               | - 11    | 95        |
| Several small accounts,               | - 5     | 62        |
|                                       | <hr/>   | 178 45    |
|                                       |         | <hr/>     |
|                                       |         | \$ 341 13 |

|                                              |          |
|----------------------------------------------|----------|
| Deduct a warrant issued to the Clerk, second |          |
| March, (see Journal, page 505)               | \$ 500   |
|                                              | <hr/>    |
| Balance due the Clerk,                       | \$ 41 13 |

Therefore,

Submit the following resolution :

Resolved, That the Speaker draw his warrant on the State-Treasurer, in favor of George Bryan, Clerk of the Senate, for forty-one dollars thirteen cents. And,

On motion,

The said report was again read, considered, and adopted.

Whereupon,

A warrant was accordingly so drawn.

Mr. Sommer, from the committee appointed to confer with a committee of the House of Representatives, on the amendment by Senate, to the bill entitled, "A supplement to the act entitled, "An act for the sale of goods distrained for rent, and to secure such goods to the persons distraining the same, for the better security of rents, and for other purposes therein mentioned," made report :

That the joint committee have agreed, to recommend to the respective Houses the adoption of the amendment, under the following modification: "And in case of a removal from, or surrender of any plantation, or lot of arable land, with or without a tenement or messuage thereon, taken by the year, the tenant shall give three months notice thereof to his landlord, previously to the expiration of his term, under the penalty of one quarter's rent, to be recovered in the same manner that rent is or may be recoverable."

Whereupon,

On motion of Mr. Sommer and Mr. Hart,

The said report was again read, considered, and adopted.

Ordered, That the Clerk inform the House of Representatives thereof.

The address to the Governor for the removal from office of Henry Evans, a justice of the peace in Butler county," was read the second time, considered, and (with one verbal amendment) adopted.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the same with one amendment; in which the concurrence of that House is requested.

On motion,

The Senate resumed, in committee of the whole, (Mr. Miller in the chair) the consideration of the bill entitled, "An act to amend the act entitled, "An act to raise and collect county rates and levies." And,

After some time,

The committee rose, reported progress, and asked leave to sit again; which was not granted.

Whereupon,

On motion of Mr. Hart and Mr. Roberts,

The said bill was postponed generally.

The Clerk of the House of Representatives presented an Extract from the Journal of that House; which was read as follows, *to wit*:

*"In the House of Representatives,*

*"March 26, 1808.*

"Resolved, That the report of the committee of conference, on the bill entitled, "A supplement to the act entitled, "An act for the sale of goods distrained for rent, and to secure such goods to the persons distraining the same, for the better security of rents, and for other purposes therein mentioned, is unsatisfactory to this House, and that Senate be informed thereof; and that this House request a second conference thereon.

"And, That the Senate be informed, that this House have appointed Messrs. Ingham, Boileau, and McKenny, a committee to confer with a committee of the Senate, if the Senate should appoint such committee."

The bill entitled, "An act making appropriations for the improvement of sundry state roads in this Commonwealth, and for other purposes," was read the second time, as reported by committee of the whole, and considered by section.

Section 1. being under consideration:

A motion was made by Mr. Roberts and Mr. Brady, to amend the section, by striking out the appropriation for the improvement of the state road, in the county of Cambria, from Blair's Gap, to the west line of the state;" which was not agreed to.

A motion was made by Mr. Laird and Mr. Hiester, to amend the section, by inserting the following, *to wit*:

“And one thousand dollars for improving that part of the road, leading from Catawissa, in Northumberland county, to Reading, in Berks county, which lies between the top of the Little mountain, and the top of the Tuscarora mountain;” which was not agreed to.

A motion was then made by Mr. Roberts and Mr. Brady, to amend the section, by inserting the following, *to wit*:

“That the sum of five hundred dollars be, and the same is hereby appropriated for the purpose of improving the state road from Connellsville to the western line of Somerset county, where the said road crosses the same;” which was not agreed to.

A motion was made by Mr. Pennell and Mr. Mitchell, to postpone the further consideration of the section and bill generally; which was not agreed to.

Whereupon,

The Yeas and Nays on adopting the section, were required by Mr. Mitchell and Mr. Hiester; and,

On the question being put, the Members voted as follow, *to wit*:

#### YEAS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Harris,
5. Mr. Martin,
6. Mr. M'Arthur,

#### YEAS.

7. Mr. Rahm,
8. Mr. Roberts,
9. Mr. Slaymaker,
10. Mr. Vance,
11. Mr. Lane, *Speaker*.

#### NAYS.

1. Mr. Gress,
2. Mr. Hart,
3. Mr. Heston,
4. Mr. Hiester,
5. Mr. Laird,

#### NAYS.

6. Mr. Lattimore,
7. Mr. Miller,
8. Mr. Mitchell,
9. Mr. Pennell,
10. Mr. Sommer.

Eleven Yeas and Ten Nays; by which it appeared, that the question was determined in the affirmative.

Section II. being under consideration:

A motion was made by Mr. Roberts and Mr. Pennell, to amend the section, by inserting a provision, to prevent the payment of any of the monies appropriated by the act, until it shall satisfactorily appear to the

Governor, that the amount appropriated to each road, has been faithfully applied ; which was agreed to, and the section, as amended, adopted.

A motion was made by Mr. M'Arthur and Mr. Martin, to insert a new section, to be called section III. "appropriating eight hundred and fifty dollars for the improvement of the navigation of French creek ; four hundred and twenty-five dollars, for improving the navigation of the outlet of the Coneaut lake, in Crawford county ; and two hundred and twenty-five dollars for improving the navigation of Brockenstraw creek, in the counties of Warren and Venango."

On which motion,

Mr. M'Arthur and Mr. Vacne required the Yeas and Nays. And,

On the question being put, the Members voted as follow, *to wit* :

#### YEAS.

1. Mr. Blocher,
2. Mr. Brady,
3. Mr. Campbell,
4. Mr. Lattimore,
5. Mr. Martin,

#### YEAS.

6. Mr. M'Arthur,
7. Mr. Roberts,
8. Mr. Vance,
9. Mr Lane, *Speaker*.

#### NAYS.

1. Mr. Gress,
2. Mr. Harris,
3. Mr. Hart,
4. Mr. Heston,
5. Mr. Hiester,
6. Mr. Laird,

#### NAYS.

7. Mr. Miller,
8. Mr. Mitchell,
9. Mr. Pennell,
10. Mr. Rahm,
11. Mr. Sommer.

Nine Yeas and eleven Nays ; by which it appeared, that the question was determined in the negative.

The title of the bill being under consideration :

A motion was made by Mr. Vance and Mr. Roberts, to amend the same, so as to read, "An act making appropriations for the improvement of sundry state roads in this Commonwealth ; which was agreed to : and the title, as amended, adopted.

Ordered, That said bill be prepared for the third reading.

The Clerk of the House of Representatives informed, that that House have concurred in the amendments by Senate, to the bills entitled, as follow, *to wit* :



1. "A further supplement to the act entitled, "An act to regulate arbitrations and proceedings in courts of justice."

2. "An act for the further establishment and regulation of election districts."

3. "An act to prohibit the sale of lands for taxes, upon which the state has a lien."

And also, That the House of Representatives have concurred in part of the amendments by Senate, to the bill entitled, "An act prohibiting the association of individuals for the purpose of banking," viz.

For striking out the preamble, and striking from the title the word "prohibiting," and insert "relating to;" but that they have not concurred in the other amendments.

He further informed, That the House of Representatives have concurred in the amendment by Senate, to the bill entitled, "An act making appropriations to defray certain expences of government," with one amendment thereto; in which the concurrence of Senate is requested.

And he returned the bill entitled, "A further supplement to the act entitled, "An act for raising county rates and levies."

And informed, That the House of Representatives have passed the said bill with amendments; in which the concurrence of Senate is requested.

The amendments by the House of Representatives on the last mentioned bill, were read as follow, *to wit*:

Section I. from lines 4 and 5, strike out these words, "and assistant assessors or any two of them;" make the same amendment in line 6.

Line 7, between the words "townships in," insert "incorporated borough or districts."

Line 19, strike out the word "and;" and, after the word "townships," insert "incorporated boroughs or districts."

Section II. line 8, make the same amendment as in line 19, section I.

Line 17, strike out the words "districts and," and after the word "townships," insert "incorporated boroughs and districts."

Line 19, strike out the word "township."

Line 20, strike out the words "and assistant assessors."

Whereupon,

On motion of Mr. Sommer and Mr. Hart,

The said amendments were again read, considered, and concurred in.

Ordered, That the Clerk acquaint the House of Representatives thereof.

The amendment by the House of Representatives, to the amendment by Senate, on the bill entitled, "An act making appropriations to defray certain expences of government," was read as follows, *to wit* :

In line 12, between the words "be and," insert "except as to such Pennsylvania claimants, who have released under the said supplement, and whose claims have been settled by the said commissioners, and granting patents to Connecticut settlers, who have received their certificates." And,

On motion of Mr. Roberts and Mr. P. nnell,

The said amendment was again read, considered, and concurred in.

Ordered, That the Clerk inform the House of Representatives thereof.

On motion of Mr. Brady and Mr. Roberts,

The Senate adjourned till half past 7 o'clock, in the evening.

### *SAME EVENING.*

The Clerk of the House of Representatives presented for signature, sixteen bills, and a resolution, entitled respectively as follow, *to wit* :

1. "An act to authorize the sale of certain real estate, late the property of James Castilloe, and for other purposes therein mentioned."

2. "An act supplementary to the penal laws of this Commonwealth."

3. "An act to continue an act entitled, "An act to provide for the inspection of ground black oak bark, intended for exportation."

4. "An act to afford immediate relief to Michael

Drury, a soldier during the revolutionary war, and to grant him an annuity."

5. "An act for the relief of Mary Backhouse."

6. "An act granting Robert Hunter an annuity for life."

7. "An act to afford immediate relief to Albright Weaver, a soldier during the revolutionary war, and to grant him an annuity."

8. "An act for annexing part of Northumberland county to the county of Luzerne."

9. "A further supplement to the act entitled, "An act to alter the judiciary system of this Commonwealth."

10. "An act to repeal the act entitled, "An act to regulate fences, and to encourage the raising of swine, and for other purposes, so far as respects the counties of Washington and Allegheny."

11. "An act further to extend the time for patenting lands, and for other purposes."

12. "A further supplement to the act entitled, "An act to regulate arbitrations and proceedings in courts of justice."

13. "An act to prohibit the sale of lands for taxes, upon which the state has a lien."

14. "A supplement to an act entitled, "An act securing to mechanics and others, payment for their labor and materials, in erecting any house or other building within the city and county of Philadelphia."

15. "An act for the relief of John M'Conahey."

16. "An act for the further establishment and regulation of election districts."

17. "A resolution for supplying Members of the present Legislature with the eighth volume and the laws of the present session."

Whereupon,

The Speaker signed the said bills, and resolution.

The Extract from the Journal of the House of Representatives, informing that the report of the committee of conference on the bill respecting rents, is unsatisfactory, and requesting a second conference thereon, was again read.

Whereupon,

Resolved, That Mr. Sommer, Mr. Brady, and Mr. Harris, be a committee to confer with the committee of the House of Representatives on the said subject.

Ordered, That the Clerk acquaint the House of Representatives accordingly.

The "Resolution for the distribution of certain laws remaining in the Secretary's office," was read the second time; and, being under consideration:

A motion was made by Mr. Harris and Mr. Hart, to amend the same, by inserting the following at the end of the resolution, *to wit*:

"And, on the removal from office of any such judge or justice, by death, resignation, or otherwise, to be delivered over to his successor in office, or to the nearest judge or justice, who may not have been supplied with such laws, and so on as often as a removal of any judge or justice of the peace shall take place;" which was agreed to; and, the resolution as amended, adopted.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the same with one amendment (as above); in which the concurrence of that House is requested.

The message from the House of Representatives informing, That they have concurred in part, and non-concurred in others, of the amendments by Senate, on the bill entitled, "An act to prohibit the association of individuals for the purpose of banking," was again read.

Whereupon,

Resolved, That Senate do insist upon their amendment not concurred in by the House of Representatives, on the said bill. And,

Ordered, That the Clerk acquaint the House of Representatives thereof.

The bill entitled, "An act to approve the report of the commissioners, appointed to explore and mark out a road from the point where the Coshecton and Great Bend turnpike passes through Moosic mountain, to the west line of the state, and for other purposes," was read the second time, as reported by committee of the whole, and considered by section.

Section I being under consideration:

A motion was made by Mr. McArthur and Mr.

Vance, to amend the section, by adding the following thereto, *to wit* :

“ And also to direct the supervisors of said counties, to open and keep said roads in repair ;” which was agreed to, and the section as amended, adopted.

Sections II. and III. were severally agreed to.

Section IV. being under consideration :

A motion was made by Mr. Sommer and Mr. Roberts, to amend the section, so that the duties therein enjoined on the county-treasurers within this Commonwealth, should apply only to “ the treasurers of the counties through which the road may pass ;” which was agreed to, and the section as amended, adopted.

The title being agreed to :

Ordered, That said bill be prepared for the third reading.

Mr. Miller, from the committee appointed for that purpose, made report, That the committee, in conjunction with the committee of the House of Representatives, this day presented to the Governor for his approbation, the bills and resolution, entitled as follow, *to wit* :

1. “ An act further to extend the time for patenting lands, and for other purposes.”

2. “ An act to authorize the sale of certain real estate, late the property of James Costiloe, and for other purposes therein mentioned.”

3. “ An act to repeal the act entitled, “ An act to regulate fences, and to encourage the raising of swine, and for other purposes, so far as respects the counties of Washington and Allegheny.”

4. “ An act to afford immediate relief to Albright Weaver, a soldier during the revolutionary war, and to grant him an annuity.”

5. “ An act to continue an act entitled, “ An act to provide for the inspection of ground black oak bark, intended for exportation.”

6. “ An act to afford immediate relief to Michael Drury, a soldier during the revolutionary war, and to grant him an annuity.”

7. “ An act for the relief of John M'Conahey.”

8. “ A supplement to an act entitled, “ An act se-

curing to mechanics and others, payment for their labor and materials, in erecting any house or other building within the city and county of Philadelphia."

9. "An act for the relief of Mary Backhouse."

10. "A further supplement to the act entitled, "An act to alter the judiciary system of this Commonwealth."

11. "An act supplementary to the penal laws of this Commonwealth."

12. "An act for annexing part of Northumberland county to the county of Luzerne."

13. "An act granting Robert Hunter an annuity for life."

14. "An act for the further establishment and regulation of election districts."

15. "A resolution for supplying Members of the present Legislature with the eighth volume and the laws of the present session."

Adjourned till 9 o'clock, Monday morning.

~~~~~  
Monday, March 28, 1808.

Mr. Vance, from the committee of accounts, made final report, *to wit*:

That the following accounts were presented to the committee, and are unpaid, *to wit*:

William M'Corkle, for newspapers,	\$ 16 22
William Hamilton, ditto, -	6
Hugh Hamilton, ditto, -	2 8
Samuel H. Smith, ditto, -	14 50
Charles M'Dowel, ditto, -	3
James Robison, ditto, -	2 33
E. Bronson, ditto, -	4 63
George Sherman, ditto, -	1 50
George Helmbold, ditto, -	2 55
John Wilson, for cabinet work,	11
George Heckert, for transcribing,	91 87½
Postage on sundry letters, containing the above accounts,	40

\$ 156 8½

Therefore,

Resolved, That the Speaker draw his warrant on the State-Treasurer, in favor of George Bryan, Clerk of the Senate, for one hundred and fifty-six dollars, eight and a half cents, to enable him to discharge the above accounts.

Whereupon,

On motion of Mr. Mitchell and Mr. Martin,
The said report was again read, considered, and the resolution thereto attached, adopted.

And a warrant accordingly so drawn.

On motion of Mr. Vance and Mr. Heston,
The following resolution was twice read, considered, and adopted, *to wit* :

Resolved, That the Speaker draw his warrant on the State-Treasurer, in favor of George Bryan, Clerk of the Senate, for three hundred dollars, to enable him to discharge the accounts of such printers of newspapers, who have not furnished their accounts; also, to provide wood for the next session, and pay other contingencies; he to be accountable therefor.

And a warrant accordingly so drawn.

Mr. Sommer, from the committee appointed again to confer with a committee of the House of Representatives, on an amendment by Senate, to the bill entitled, "A supplement to an act entitled, "An act for the sale of goods distrained for rent, and to secure such goods to the persons distraining the same, for the better security of rents, and for other purposes therein mentioned," made report:

That they have conferred on the subject of their appointment, without being able to agree; the joint committee therefore recommend to their respective Houses, that they be discharged.

Whereupon,

On motion of Mr. Sommer and Mr. Pennell,
The said report was again read, considered, and adopted.

Ordered, That the Clerk acquaint the House of Representatives thereof.

The bill entitled, "An act making appropriations for the improvement of sundry state roads in this

Commonwealth, and for other purposes," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill with amendments; in which the concurrence of that House is requested.

The amendments are :

Section I. line 4, make the word "nine," read seven."

Strike from lines 6, 7, 8, and 9, the appropriation for improving the road from Pocono mountain, to the north line of the state, commonly called the north and south road.

Line 26, insert, "for improving the post road from Mercersburg to M'Connelisburg, five hundred dollars," and strike out the appropriation of five hundred dollars for improving the road from M'Kean's tavern, in Black's gap, to Black's tavern, in Adams county.

Line 28, after the appropriation of one thousand five hundred dollars for improving state roads in Somerset county, insert "to be applied in the following manner: five hundred and seventy-five dollars for improving the Pennsylvania state road through Stoystown; five hundred and seventy-five dollars, for improving the Glade state road through the town of Somerset; and three hundred and fifty dollars, for improving the new Greensburg road between the town of Somerset, and the line of Westmoreland county."

Strike from lines 39, 40, and 41, the appropriation of five hundred dollars, for improving the state road in Cambria county, from Blair's gap westwardly.

Strike out sections II. III. and IV.

Section V. now section II. amend so, that the money appropriated by the act, shall not be drawn from the State-Treasury, until an equal amount has been expended on the roads respectively, by the county commissioners; the accounts settled; and the appro-

priation accounted for, to the satisfaction of the Governor.

(See Journal of yesterday.)

Strike out sections VI. and VII. and, from the title, the words "and for other purposes."

On motion of Mr. Vance and Mr. Heston,

The following resolution was twice read, considered, and adopted, *to wit* :

Resolved, "That the Clerk prepare an Index to the Journal of the present session, and cause the same to be printed, and attached thereto.

The bill entitled, "An act to approve the report of the commissioners, appointed to explore and mark out a road from the point where the Coshecton and Great Bend turnpike passes through Moosic mountain, to the west line of the state, and for other purposes," was read the third time.

Whereupon,

The question, "*Shall this bill pass?*" being put, was determined in the affirmative.

Ordered, That it be returned to the House of Representatives, with information, that Senate have passed the said bill with amendments, (see Journal of yesterday); in which the concurrence of that House is requested.

The Clerk of the House of Representatives returned the bills, entitled as follow, :

1. "An act for the relief of John Cavenough."

2. "An act for the relief of the trustees of the Northumberland academy."

And informed, That the House of Representatives have passed the same, the first without amendment, and the latter with amendments; in which the concurrence of Senate is requested.

He informed further, That the House of Representatives have concurred in the amendment by Senate, to the "Resolution directing the distribution of certain laws remaining in the Secretary's Office."

And, That they have receded from their non-concurrence to the first amendment by Senate, to the bill entitled, "An act prohibiting the association of individuals for the purpose of banking," but adhere to their non-concurrence in the other two.

Whereupon,

On motion of Mr. Roberts and Mr. Sommer,

Resolved, That Senate recede from their amendments, non-concurred in by the House of Representatives, on the last mentioned bill; that is, the III^d section, and the corresponding amendment in the title.

Ordered, That the Clerk acquaint the House of Representatives thereof.

The amendment by the House of Representatives, on the bill entitled, "An act for the relief of the trustees of the Northumberland academy," was read as follows, *to wit* :

Section I. strike out all that follows the word "the," in line 4, to the word "provided," line 8; and insert "Treasurer of Northumberland county shall pay out of the arrears of Loan-Office money, which may come into his hands, the sum of two thousand dollars to the trustees of Northumberland academy, for the use thereof; for which sum the said treasurer shall have credit, from time to time, in the settlement of his accounts with the accountant officers, on producing the receipts of the said trustees or their treasurer."

Whereupon,

On motion of Mr. Laird and Mr. Heston,

The said amendment was again read, considered, and concurred in.

Ordered, That the Clerk acquaint the House of Representatives thereof.

On motion of Mr. Sommer and Mr. Roberts,

The Senate adjourned till 12 o'clock, at noon.

SAME DAY.....at noon.

The Clerk of the House of Representatives presented for signature, the bills, entitled as follow, *to wit* :

1. "A further supplement to the act entitled, "An act for raising county rates and levies."

2. "An act repealing the first section of an act entitled, "An act supplementary to an act entitled, "An

act that no public house or inn within this province be kept without licence."

3. "An act to dissolve the marriage of Jacob Mayer and Catharine his wife."

4. "An act for the relief of John Cavenough."

"An address to the Governor, for the removal from office of Henry Evans, a justice of the peace, in Butler county."

He returned the bills, entitled as follow, to wit:

1. "An act for the relief of Edward Cavenough."

2. "A supplement to an act entitled, "An act to incorporate trustees for the Meadville academy, and to establish the same."

3. "An act to alter certain parts of the line which divides the counties of Mercer and Crawford."

4. "An act granting an annuity to Jonathan Guy."

5. "An act granting an annuity for the use of John Maloney."

6. "An act for the relief of the heirs of Christopher Walthour, senior, deceased."

And informed, That the House of Representatives have passed the said bills, the last mentioned with one amendment; in which the concurrence of Senate is requested. The others without amendment.

The amendment by the House of Representatives on the last mentioned bill, was read, as follows, to wit:

Section I. lines 18 and 19, strike out "of their constituents," and insert in lieu thereof, "those whom they respectively represent."

Whereupon,

On motion of Mr. Brady and Mr. Harris,

The said amendment was again read, considered, and concurred in.

Ordered, That the Clerk acquaint the House of Representatives thereof.

The Speaker signed the bills, presented for signature.

A motion was made by Mr. Roberts and Mr. Laird, that Senate recede from their amendment, non-concurred in by the House of Representatives, on the bill entitled, "A supplement to the act entitled, "An act for the sale of goods distrained for rent, and to se-

cure such goods to the persons distraining the same, for the better security of rents, and for other purposes therein mentioned."

Mr. Sommer and Mr. Pennell objected to the motion, on the point of order, and requested a decision thereon by the Speaker.

The Speaker remarked, That, as the case was novel, and of a peculiar nature, he had doubts, and was not prepared to decide; and therefore submitted it to the Senate.

Whereupon,

On motion of Mr. Sommer and Mr. Pennell,

The Speaker put the following question, "*Is the motion of Mr. Roberts and Mr. Laird in order?*" which was determined in the negative.

On motion of Mr. Hart and Mr. Hiester,

The Senate adjourned till 3 o'clock, in the afternoon.

SAME DAY....in the afternoon.

Mr. McArthur, from the committee appointed for that purpose, on the twenty-fourth instant, reported the bill entitled, "An act for ascertaining whether the several warrantees, their heirs, and assigns, have fully and fairly complied with the conditions of improvement and settlement, as is required under the authority of an act entitled, "An act for the sale of vacant lands within this Commonwealth," passed the third day of April, one thousand seven hundred and ninety-two; which was read the first time.

The Clerk of the House of Representatives informed, That that House have concurred in the amendments by Senate, to the bills entitled, "An act making appropriations for the improvement of sundry state roads in this Commonwealth," and "An act to approve the report of the commissioners appointed to explore and mark out a road from the point, where the Coshecton and Great Bend turnpike passes through Moosic mountain, to the west line of the state, and for other purposes."

That they have agreed to the report of the second

committee of conference, on the bill entitled, "A supplement to the act entitled, "An act for the sale of goods distrained for rent, and to secure such goods to the persons distraining the same, for the better security of rents, and for other purposes therein mentioned."

And, that they have receded from their amendments, not concurred in by Senate, to the bill entitled, "A supplement to an act entitled, "An act for raising by way of lottery the sum of six thousand dollars for defraying the expences of making an aqueduct to conduct water into the town of Meadville."

And he presented for concurrence, "A resolution directing the Secretary of the Commonwealth, to publish certain laws in newspapers;" which was read the first time.

Whereupon,

On motion of Mr. Harris and Mr. Mitchell,

The said resolution was again read, considered, and adopted.

Ordered. That it be returned to the House of Representatives, with information, that Senate have passed the same without amendment.

The Clerk of the House of Representatives presented for signature, the bills entitled as follow, *to wit* :

1. "An act making appropriations for the improvement of certain roads in this Commonwealth."

2. "An act making appropriations to defray certain expences of government."

3. "An act to approve the report of the commissioners, appointed to explore and mark out a road from the point, where the Coshecton and Great bend turnpike passes through Moosic mountain, to the west line of the state, and for other purposes."

4. "An act for the relief of the heirs of Christopher Walthour, senior, deceased."

5. "An act for the relief of Edward Cavenough."

6. "A supplement to the act entitled, "An act to incorporate trustees for the Meadville academy, and to establish the same."

7. "An act for the relief of Jonathan Guy."

8. "A supplement to the act entitled, "An act for raising by way of lottery the sum of six thousand

dollars, for defraying the expences of making an aqueduct to conduct water into the town of Meadville."

9. "An act for the relief of the trustees of the Northumberland academy."

10. "An act granting an annuity for the use of John Maloney."

11. "An act to alter a certain part of the line, which divides the counties of Mercer and Crawford."

12. "An act relative to the association of individuals for the purpose of banking."

"A resolution directing the distribution of certain laws remaining in the Secretary's office."

"A resolution directing the Secretary of the Commonwealth, to publish certain laws in newspapers."

Whereupon,

The Speaker signed the said bills and resolutions.

On motion of Mr. Pennell and Mr. Vance,

Resolved, That the Clerk cause the accounts of the contingent expences of the several offices, to be entered in detail at the end of the Journal as an appendix.

Mr. Miller, from the committee appointed for that purpose, made report that the committee, in conjunction with the committee of the House of Representatives, have presented to the Governor for his approbation, the bills and resolutions entitled as follow, *to wit* :

1. "A further supplement to the act entitled, "An act to regulate arbitrations and proceedings in courts of justice."

2. "An act to prohibit the sale of land for taxes, upon which the state has a lien."

3. "An act making appropriations to defray certain expences of government."

4. "An act approve the report of the commissioners appointed to explore and mark out a road, from the point where the Coshecton and Great-Bend turnpike passes through Moosic mountain, to the west line of the state, and for other purposes."

5. "An act relative to the association of individuals, or the purpose of banking."

6. "A further supplement to the act entitled, "An act for raising county rates and levies."

7. "An act for the relief of the Northumberland academy."

8. "An act to repeal the first section of an act, supplementary to an act entitled, "An act that no public house or inn within this province, be kept without licence."

9. "An act dissolving the marriage of Jacob Mayer, and Catharine his wife."

10. "An act for the relief of John Cavenough."

11. "An act for the relief of the heirs of Christopher Walthour, senior, deceased."

12. "A supplement to the act entitled, "An act to incorporate trustees for the Meadville academy, and to establish the same."

13. "An act to alter a certain part of the line which divides the counties of Mercer and Crawford."

14. "An act for the relief of Edward Cavenough."

15. "An act making appropriations for the improvement of sundry state roads, within this Commonwealth."

16. "An act granting an annuity to Jonathan Guy."

17. "An act granting an annuity for the use of John Maloney."

18. "A Supplement to an act entitled, "An act for raising by way of Lottery, the sum of six thousand dollars, to defray the expences of making an aqueduct to conduct water into the town of Meadville."

"A resolution directing the distribution of certain laws remaining in the Secretary's Office."

"A resolution directing the Secretary of the Commonwealth, to publish certain laws in the newspapers."

Also, That they had presented to him, "An address for the removal from office of Henry Evans, a justice of the peace in Butler county."

After some time,

The Deputy-Secretary of the Commonwealth presented two several messages from the Governor, which were read, as follow, *to wit* :

"To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

"GENTLEMEN,

"I HAVE this day approved and signed the following Acts of the General Assembly,

and have directed the Secretary to return them to the House, in which they respectively originated, *viz.*

1. "An act further to extend the time for patenting lands, and for other purposes."

2. "An act for the further establishment and regulation of election districts."

3. "A further supplement to the act entitled, "An act to alter the judiciary system of this Commonwealth."

4. "An act granting Robert Hunter an annuity for life."

5. "An act to authorize the sale of certain real estate, late the property of James Costilloe, and for other purposes therein mentioned."

6. "An act for annexing part of Northumberland county to the county of Luzerne."

7. "An act to continue an act entitled, "An act to provide for the inspection of ground black oak bark, intended for exportation."

8. "An act for the relief of John M'Conahey."

9. "An act for the relief of Mary Backhouse."

10. "An act to afford immediate relief to Albright Weaver, a soldier during the revolutionary war, and to grant him an annuity."

11. "An act to repeal the act entitled, "An act to regulate fences, and to encourage the raising of swine, and for other purposes, so far as respects the counties of Washington and Allegheny."

12. "An act to afford immediate relief to Michael Drury, a soldier during the revolutionary war, and to grant him an annuity."

13. "A supplement to an act entitled, "An act securing to mechanics and others, payment for their labor and materials, in erecting any house or other building within the city and county of Philadelphia."

14. "An act supplementary to the penal laws of this Commonwealth."

15. "A further supplement to the act entitled, "An act for raising county rates and levies."

16. "An act to dissolve the marriage of Jacob Mayer and Catharine his wife."

17. "A further supplement to the act entitled, "An

act to regulate arbitrations and proceedings in courts of justice."

18. "An act repealing the first section of an act entitled, "An act supplementary to an act entitled, "An act that no public house or inn within this province be kept without licence."

19. "An act to prohibit the sale of lands for taxes, on which the state has a lien."

20. "An act for the relief of Edward Cavenough."

21. "A supplement to an act entitled, "An act for raising by way of lottery the sum of six thousand dollars, for defraying the expences of making an aqueduct to conduct water into the town of Meadville."

22. "An act to approve the report of the commissioners, appointed to explore and mark out a road from the point where the Coshecton and Great Bend turnpike passes through Moosic mountain, to the west line of the state, and for other purposes."

23. "A supplement to an act entitled, "An act to incorporate trustees for the Meadville academy, and to establish the same."

24. "An act making appropriations to defray certain expences of government."

25. "An act granting an annuity to Jonathan Guy."

26. "An act to alter certain parts of the line which divides the counties of Mercer and Crawford."

27. "An act for the relief of the trustees of the Northumberland academy."

28. "An act granting an annuity for the use of John Maloney."

29. "An act for the relief of the heirs of Christopher Walthour, senior, deceased."

30. "An act making appropriations for the improvement of sundry state roads in this Commonwealth."

31. "An act for the relief of John Cavenough."

32. "A resolution directing the Secretary of the Commonwealth, to transmit to each of the Members of the present Legislature, as shall apply for the same, a copy of the Laws passed at the present session, and of the eighth volume of the Laws, now printing by John Bioren."

33. "A resolution directing the distribution of three

hundred copies of Carey and Bioren's edition of the Laws, and Bioren's continuation."

34. "A resolution directing the Secretary of the Commonwealth, to cause to be printed certain Laws therein mentioned."

"THOMAS M'KEAN.

"*Lancaster, March 28, 1808.*"

—
 "To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

"GENTLEMEN,

"I HAVE this day approved and signed an act entitled, "An act relating to the association of individuals, for the purpose of banking," and directed the Secretary to return the same to the House of Representatives, in which it originated.

"THOMAS M'KEAN.

"*Lancaster, March 28, 1808.*"

On motion of Mr. Harris and Mr. Sommer,

Resolved, That a committee be appointed, to join a committee of the House of Representatives, to wait upon the Governor, and inform him, that the Legislature have agreed to adjourn this day; and to know whether he has any further communications to make at this time.

Ordered, That Mr. Sommer and Mr. Harris, be the committee, and that the Clerk acquaint the House of Representatives thereof.

The Clerk of the House of Representatives presented an Extract from the Journal of that House; which was read, as follows, *to wit*:

"*In the House of Representatives,*

"*March 28, 1808.*

"Resolved, That a committee be appointed, to join a committee of the Senate, to inform the Governor, that the Legislature have agreed to adjourn this day; and to know whether he has any further communications to make at this time. And.

"Ordered, That Messrs. Porter and Bethel, be a committee for that purpose."

Mr. Harris, from the committee appointed to wait upon the Governor, made report:

That they had performed that service; and that the Governor informed them, he had no further communications to make at this time.

Mr. Miller, from the committee appointed for that purpose, made report :

That, in conjunction with the committee of the House of Representatives, they have deposited in the Rolls-Office, the acts which have passed in the present session, entitled respectively, *to wit* :

1. An act to alter and amend the several laws of this Commonwealth, relative to domestic attachments.

2. An act to enable Ann Rambo, executrix, and Jacob Shainline executor of the last will and testament of Abraham Rambo, to execute a deed of conveyance for a lot of ground, in Upper Merion township, Montgomery county.

3. An act to extend an act entitled, "An act to authorize the Secretary of the Land-office to sign patents for land, and land warrants."

4. An act to incorporate the trustees of the second Baptist church and congregation, in Philadelphia.

5. An act vesting a title to sixty acres of land, in Somerset township, Somerset county, in certain trustees and their successors, for the benefit of a congregation, composed of Presbyterians and Lutherans.

6. An act to empower the corporation of the German reformed congregation in Germantown, in the county of Philadelphia, to sell and convey a certain messuage, and lot of ground therein mentioned.

7. An act to raise by way of lottery, a sum of money, for the purpose of completing a meeting-house, in the township of Shamoken, Northumberland county.

8. An act to establish a public ferry, on the East side of the river Susquehanna, in the county of Dauphin, and to vest the right thereof in William Moorehead, his heirs and assigns.

9. An act to change the name of John Powel Hare, to John Hare Powel.

10. An act supplementary to an act, entitled, "An act for establishing the seat of justice, in the county of Tioga, and for other purposes."

11. An act to declare certain parts of Muddy creek, in the county of Crawford, a public highway.

12. An act declaring part of Lackawaxen creek, in Wayne county, a public highway.

13. An act granting to Samuel Kockooyaci, a tract of donation land.

14. An act to confirm to certain persons, holding an island in the river Delaware, their title to the same.

15. An act to alter an act entitled, "An act to erect the town of Harrisburg, in the county of Dauphin, into a borough."

16. An act to incorporate the Evangelical Lutheran congregation, of Saint John's church, in the city and vicinity of Philadelphia.

17. An act granting a tract of donation land, to James Norris.

18. An act declaring part of Wallenpaupack creek, in Wayne county, a public highway.

19. An act to enable the trustees of the German Lutheran congregation, of the townships of Albany and Linn, in Berks and Northampton counties, to convey to the trustees of the German reformed congregation, an equal right to a church, and a tract of land therein described,

20. An act for the further relief of Charles Thomson.

21. An act for the relief of Thomas Cox.

22. An act to raise by way of lottery, a sum of money for the purpose of purchasing a burial ground, for the society of Universalists in the city of Philadelphia, and to pay a debt by them contracted, in the building a house for public worship and the finishing the same.

23. An act establishing an academy, in the borough of Union town, in the county of Fayette.

24. An act authorizing the court of quarter sessions, of Indiana county, to direct a review of that part of the state road, leading from Blair's Gap, to the western boundary line of the state, which lies between the town of Indiana, and the seventh mile-tree westward.

25. An act for the relief of Nathaniel Coulter.

26. An act to allow further time, for completing the Frankford and Bristol turnpike road, and erecting a bridge over Neshaminy creek.

27. An act to raise by way of lottery, a sum not exceeding two thousand dollars, for building a house for religious worship, in Limerick township, Montgomery county.

28. An act for the relief of Dillaplain Ridgway.

29. An act to raise by way of lottery, a sum of money for the purpose of finishing the meeting-house in Wilkesbarre, and for protecting the bank of the river opposite the borough, from the encroachments of the river.

30. An act to enable Joseph Marshall, and William Marshall, to sell and convey the real estate of Andrew Marshall, late of Hamilton township, Franklin county, deceased.

31. An act to declare masquerades, and masqued balls, to be common nuisances; and to punish those who promote or encourage them.

32. An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house, for the use of the joint Lutheran and reformed congregations, at the Union church, in Whitehall township, in the county of Northampton, and to defray the expences of said church.

33. An act granting Joseph Gwyne, the depreciation of his pay as a soldier.

34. An act to raise by way of lottery, a sum not exceeding four thousand dollars, for purchasing a lot or lots of ground, building a school-house, and house for religious worship thereon, in the borough of Bedford.

35. An act to enable the Governor to incorporate a company, to make an artificial road, by the best and nearest route, from the town of Hanover in the county of York, to the Maryland line; at or near the place the turnpike from Baltimore, to the state line, towards Hanover, will strike the same.

36. An act for the relief of the inhabitants of the village of Palmyra, in the township of Londonderry, Dauphin county.

37. A further supplement to the act entitled, "An act to provide for the erection of a house, for the employment and support of the poor, in the county of Dauphin."

38. An act to authorize and empower Priscilla Dill, widow of Thomas Dill, deceased, William Wireman, senior, and William Wireman, junior, guardians of the minor children of Thomas Dill, and administrators of the estate of Caleb Dill, deceased, to sell and convey one fourth part of two several tracts of land, in Monahan township, in the county of York.

39. An act granting a tract of donation land to William M^cCormick.

40. An act to raise by way of lottery, a sum of money to defray the expences incurred by the trustees of the German Presbyterian, and German Lutheran congregations in the borough of Carlisle and its vicinity, in the county of Cumberland.

41. An act to change the name of Christian Febiger Carson, to Christian Carson Febiger.

42. An act to enable the elders, wardens, and members of the Lutheran and Presbyterian congregations, in Robinson township, Berks county, to raise by way of lottery, a sum of money for the purpose of building a meeting-house and school house, in the said township.

43. An act granting a tract of donation land to John Morris.

44. An act to raise by way of lottery, a sum not exceeding two thousand five hundred dollars, for finishing a church in the town of Hanover, in the county of York.

45. An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house, in Shippensburg, in the county of Cumberland.

46. An act to validate and confirm the proceedings of certain justices of the peace in the county of Adams, in cases therein mentioned.

47. An act for the relief of Samuel Ashton.

48. An act to enable commissioners to convey lots in the town of Fanetsburg, in the county of Franklin.

49. An act for establishing and building a bridge across the river Schuylkill, at or near the falls thereof.

50. An act enjoining certain duties upon the Treasurer of this Commonwealth.

51. An act making an appropriation to complete

the powder magazine of the state, in the county of Philadelphia.

52. An act to raise by way of lottery a sum of money, for the purpose of building a meeting-house in the borough of Chambersburg, Franklin county.

53. An act to enable Israel Roberts, John Ogden, and William Levis, junior, guardians of the minor children of Seth Pancoast, deceased, to sell and convey certain real estate therein mentioned.

54. A supplement to an act entitled, "An act directing the mode of settling accounts in the Land-office, and to prevent frauds in obtaining land warrants.

55. An act to enable the administrators of Peter Ankeny, late of the county of Somerset, deceased, to convey certain lots of ground in the borough of Somerset, to the purchasers thereof.

56. An act to enable certain persons therein named, to sell and convey a Messuage and lot of ground devised by the late John Keble, to the corporation of St. Paul's church, in the city of Philadelphia, for the use of aged widows, communicants of said church.

57. An act to authorize certain persons therein named to raise by way of lottery, a sum of money to enable them to finish a church in the town of Columbia, and to pay the debts contracted in building the same.

58. An act for the improvement of the State.

59. An act to fix the number of Senators, form the state into districts, and determine the portion to be allotted to each; also to fix the number of Representatives for the city and several counties of the Commonwealth, in pursuance of the provisions of the Constitution.

60. An act to authorize Jacob Rudizell and George Kerl, administrators of the estate of George Kerl, deceased, or the survivor of them, to convey a part of a tract of land therein described to William Young.

61. An act granting an annuity to Thomas Snowden.

62. An act to afford immediate relief to James Waters, a soldier during the revolutionary war, and to grant him an annuity.

63. An act to alter the time of holding the fairs in the borough of Carlisle, in the county of Cumberland.

64. An act declaring Big Mahoning creek, in Armstrong and Indiana counties, a public highway.

65. An act to raise by way of lottery a sum of money, for the purpose of erecting a school-house in Mayerstown, in the county of Dauphin.

66. An act discharging the sureties of Jonathan Penrose, deceased ; late sheriff of the city and county of Philadelphia, from the payment of a sum of money therein mentioned.

67. A supplement to an act entitled, " A supplement to an act entitled, " An act for the more speedy and effectual collection of certain debts due to the Commonwealth."

68. An act to provide for the erection of a house for the employment and support of the poor, in the county of Cumberland.

69. An act to authorize the commissioners of the county of Northampton, to affirm a contract made with Jacob Stroud.

70. An act granting an annuity to Christian Shockey.

71. An act incorporating the Roman Catholic congregation of Christ church, in the borough of Westchester, in the county of Chester, and for other purposes therein mentioned.

72. An act to exonerate the real estate of Adam Nees, deceased, from a lien, which the Commonwealth is supposed to have on the same.

73. An act to enable the Governor to incorporate a company, for making an artificial road, from the city of Philadelphia, by Chad's Ford, on Brandywine, to the line of the state, in a direction towards Baltimore.

74. An act authorizing the Governor to contract with John Bioren, to print the laws of this Commonwealth.

75. A supplement to the act, for the regulation of the Militia of the Commonwealth of Pennsylvania.

76. An act granting certain powers to the inhabitants of the northern part of the township of Moyamensing.

77. An act supplementary to an act, passed the second day of March, one thousand eight hundred and

five, entitled, "An act to organize the provisional county of Armstrong."

78. An act to establish a public ferry, on the North side of the West branch of the Susquehanna river, in the county of Lycoming, and to vest the right thereof, in Martin Updegraff, his heirs, and assigns.

79. An act to vest in, and confirm to the elders and wardens of the joint congregations of Lutherans, and German reformed church of Zion, in Windsor township, in the county of Berks, the title to a tract of land therein mentioned.

80. An act supplementary to an act entitled, "An act to organize the provisional county of Venango."

81. An act granting a sum of money to Elizabeth Buch, or otherwise Pugh, for services rendered by her late husband in the revolutionary war.

82. An act directing the distributing of the digest of the laws of this Commonwealth, in the German language.

83. An act to vest in, and confirm to the elders and wardens of the joint congregations of Lutherans, and German reformed church in Bern township, in the county of Berks, the title to a tract of land therein mentioned.

84. A supplement to an act entitled, "An act to enable the Governor of this Commonwealth, to incorporate a company to make an artificial road from the Susquehanna river, at or near Wright's ferry, to the borough of York."

85. An act to revive the act entitled, "An act providing that the person of a debtor shall not be liable to imprisonment for debt, after delivering up his estate, for the benefit of his creditors, unless he hath been guilty of fraud or embezzlement."

86. An act authorizing the administrators to the estate of Jonas Heverstrite, to convey a lot of ground in Abington township, Montgomery county.

87. An act declaring the marriage of Samuel Hamm, and Mary Hamm, (late Mary Beerbrower) to be fraudulent, null, and void.

88. An act supplementary to an act entitled, "An act to erect the town of Cannonsburg, in the county of Washington, into a borough."

89. An act declaring the Little Juniata river, in the county of Huntingdon, a public highway.

90. An act appropriating the state-house in the city of Philadelphia, to the use of Congress, if within a limited period, the seat of the national government shall be removed to the said city of Philadelphia.

91. An act to empower John Wilt, and George Shettle, executors of Paul Wilt, deceased, to purchase a tract of land, in trust for Philip Weldy, Maria his wife, and her heirs.

92. An act to amend certain parts of an act entitled, "An act supplementary to the several acts of this Commonwealth, concerning partitions, and for other purposes therein mentioned."

93. An act making appropriation for the improvement of the state road, leading from Philadelphia through West Chester to Strasburg, and also, for building and repairing of bridges, in Delaware county.

94. An act to dissolve the marriage contract between Alexander Kerr, and Ruth his wife.

95. An act to establish an auction store, in the borough of Lancaster.

96. An act authorizing a review of the state road, leading from Blair's Gap, to the western boundary line of the state, so far as the same lies in Armstrong and Cambria counties.

97. An act confirming the title of James Robeson, to certain lands therein mentioned.

98. An act to authorize the sale of certain real estate, late the property of James Costilloe, and for other purposes therein mentioned.

99. An act supplementary to the penal laws of this Commonwealth.

100. An act to continue an act entitled, "An act to provide for the inspection of ground black oak bark, intended for exportation."

101. An act to afford immediate relief to Michael Drury, a soldier in the revolutionary war, and to grant him an annuity.

102. An act for the relief of Mary Backhouse.

103. An act granting Robert Hunter an annuity for life.

104. An act to afford immediate relief to Albright

Weaver, a soldier during the revolutionary war, and to grant him an annuity.

105. An act for annexing part of Northumberland county to the county of Luzerne.

106. A further supplement to the act entitled, "An act to alter the judiciary system of this Commonwealth."

107. An act to repeal the act entitled, "An act to regulate fences, and to encourage the raising of swine, and for other purposes, so far as respects the counties of Washington and Allegheny."

108. An act further to extend the time for patenting lands, and for other purposes.

109. A further supplement to the act entitled, "An act to regulate arbitrations and proceedings in courts of justice."

110. An act to prohibit the sale of lands for taxes, upon which the state has a lien.

111. A supplement to an act entitled, "An act securing to mechanics and others, payment for their labor and materials, in erecting any house or other buildings within the city and county of Philadelphia."

112. An act for the relief of John M'Conahey.

113. An act for the further establishment and regulation of election districts.

114. An act making appropriations to defray certain expences of government.

115. An act to approve the report of the commissioners, appointed to explore and mark out a road from the point where the Coshecton and Great Bend turnpike passes through Moosic mountain, to the west line of the state, and for other purposes.

116. An act relating to the association of individuals for the purpose of banking.

117. A further supplement to the act entitled, "An act for raising county rates and levies."

118. An act for the relief of the trustees of the Northumberland academy.

119. An act repealing the first section of an act, supplementary to an act entitled, "An act that no public house or inn within this province be kept without licence."

120. An act dissolving the marriage of Jacob Mayer and Catharine his wife.

121. An act for the relief of John Cavenough.

122. An act for the relief of the heirs of Christopher Walthour, senior, deceased.

123. A supplement to the act entitled, "An act to incorporate trustees for the Meadville academy, and to establish the same."

124. An act to alter a certain part of the line which divides the counties of Mercer and Crawford.

125. An act for the relief of Edward Cavenough.

126. An act making appropriations for the improvement of sundry state roads, in this Commonwealth.

127. An act granting an annuity to Jonathan Guy.

128. An act granting an annuity for the use of John Maloney.

129. A Supplement to an act entitled, "An act for raising by way of Lottery, the sum of six thousand dollars, for defraying the expences of making an aqueduct to conduct water into the town of Meadville."

.....

RESOLUTIONS.

1. A resolution requiring the Secretary of the Commonwealth, to cause the act entitled, "An act to alter and amend the several laws of this Commonwealth, relative to domestic attachments," to be printed and distributed to the several counties.

2. A resolution for a further distribution to the Members of the Legislature, of Carey and Bioren's edition of the laws.

3. A resolution directing the distribution of the laws, passed in the first session of the ninth Congress.

4. A resolution enjoining certain duties on the Master of Rolls.

5. A resolution for supplying Members of the present Legislature, with the eighth volume, and the laws of the present session.

6. A resolution directing the distribution of certain laws, remaining in the Secretary's office.

7. A resolution directing the Secretary of the Commonwealth, to publish certain laws in the newspapers.

On motion,

Mr. Brady and Mr. Mitchell were appointed a committee to inform the House of Representatives, that Senate is ready to adjourn. And,

After some time,

Mr. Brady reported, That the committee had performed that service.

Mr. Ogle and Mr. Boileau, a committee of the House of Representatives, informed the Senate, that the House of Representatives is ready to adjourn.

Whereupon, on motion,

Senate adjourned.

GEORGE BRYAN,

Clerk of the Senate.

EXPIRATION OF THE APPOINTMENTS OF
THE MEMBERS OF THE SENATE.

1808.

*William Pennell,
Joseph Hart,
Christopher Mayer,
Gabriel Hiester,
James Harris,
Joseph Vance.*

1809.

*Jacob Sommer,
William Lattimore,
William Miller,
David Mitchell,
Jacob Blocher,*
James Martin,
William M^r Arthur.*

1810.

*John Dorsey,
Isaac Wayne,
Amos Slaymaker,
Melchior Rahm,
James Laird,
Presley Car Lane.*

1811.

*Edward Heston,
Jonathan Roberts, jun.
Matthias Gress,
Thomas Campbell,
Archibald Rankin,
James Brady.*

* Mr. Blocher was elected to supply the vacancy occasioned by the resignation of Henry Wertz, jun.

.....

“ *In Senate, March 24, 1808.*

“Resolved, That the Clerk cause an abstract of the report of the Secretary of the Commonwealth, respecting the contracts for improving roads and rivers, to be entered at the end of the Journal, as an Appendix.”

.....

“ *In Senate, March 23, 1808.*

“Resolved, That the Clerk cause the amounts of the contingent expences of the several offices, to be entered in detail, at the end of the Journal, as an Appendix.”

Returns of the taxable Inhabitants in the Commonwealth of Pennsylvania, made in pursuance of an Act of the Legislature, taken from the Report of the Committee of the House of Representatives, appointed on the subject.

.....

The City of Philadelphia,	-	-	7,813
County of Philadelphia,	-	-	9,055
County of Bucks, -	-	-	5,977
County of Chester,	-	-	7,496
County of Lancaster,	-	-	9,562
County of York, -	-	-	5,562
County of Cumberland,	-	-	4,483
County of Berks, -	-	-	7,580
County of Northampton,	-	-	6,353
County of Wayne, -	-	-	777
County of Northumberland,	-	-	6,061
County of Washington,	-	-	5,716
County of Westmoreland,	-	-	4,374
County of Armstrong,	-	-	916
Counties of Jefferson and Indiana,	-	-	1,123
County of Fayette,	-	-	4,454
County of Bedford,	-	-	2,851
County of Franklin,	-	-	3,789
County of Montgomery,	-	-	5,626
County of Dauphin,	-	-	4,779
County of Luzerne,	-	-	2,730
County of Huntingdon,	-	-	2,766
County of Beaver,	-	-	1,937
County of Allegheny,	-	-	4,024
County of Butler,	-	-	1,444
County of Mifflin,	-	-	2,441
County of Delaware,	-	-	2,554
County of Somerset,	-	-	1,925
County of Cambria,	-	-	430
County of Lycoming,	-	-	2,406
County of Greene,	-	-	1,911
County of Adams,	-	-	2,741
County of Centre,	-	-	1,918
County of Clearfield,	-	-	165

The County of M'Kean,	-	-	-	13
County of Erie,	-	-	-	914
County of Crawford,	-	-	-	1,216
County of Warren,	-	-	-	
County of Mercer,	-	-	-	1,623
County of Venango,	-	-	-	782
County of Potter,	-	-	-	
County of Tioga,	-	-	-	



APPENDIX.



AN ABSTRACT statement of the Contracts for opening and improving ROADS and RIVERS, under various Acts of the General Assembly of Pennsylvania, since April 13, 1791. Taken from the Secretary's report to Senate, in pursuance of their Resolution.

OF ROADS.

The following Contracts have been reported as completed, viz.

<i>Names of Roads.</i>	<i>Dates of contract.</i>	<i>Names of Contractors.</i>	<i>Sureties.</i>	<i>Sums Appropriated.</i>
Wilkesbarre and Wind Gap.	July 6, 1791.	Joseph Horsfield.	John Nicholson, Azariah Horton.	£ 500.
From Keplinger's mill on Little Schuylkill, to the Schuylkill.	July 11, 1791.	Evan Owen. Michael Brobst.	Samuel Mechlin, Robert Evans.	£ 300.
From Catawissa to Hamburg.	July 1. 1791.	John Mears.	Daniel Clymer, James May, William Green.	£ 300.
From Middle-creek to Grubb's Furnace.	July 23, 1791.	William Kissel.	Robert Coleman, Jacob Erb.	£ 200.
Through the upper part of Berks county to Schuylkill.	Dec. 14, 1791.	Frederick Antis.	William Montgomery, Joseph Wallace.	£ 200.

ROADS, &c. *Continued.*

<i>Names of Roads.</i>	<i>Dates of contract.</i>	<i>Names of Contractors.</i>	<i>Sureties.</i>	<i>Sums Appropriated.</i>
From Stockfort on Delaware, to Harmony on Susquehanna.	Dec. 14, 1791.	John Hilborn.	Jacob Downing, Henry Drinker.	£ 400.
Yorktown and Cooper's Ferry.	Dec. 29, 1791.	Nicholas Cooper.	Jeremiah Brown, Levi Hollingsworth.	£ 100.
From Harrisburgh to or near Halifax.	Nov. 1, 1791.	John Murray.	Archibald McAllister, John Carson.	£ 600.
From Callender's mill, over Croghan's Gap, to West's mill.	April 13, 1792.	Alexander McKeenhen.	Thomas Kenedy, James Lamberton.	£ 200.
Through Nichol's Gap, over the South mountain.	May 15, 1792.	James McLene.	Josiah Crawford, John Kea.	£ 250.
From McConnaghy's run, across Laurel Hill, to Loyalhanning creek, on Bedford and Pittsburg road.	May 24, 1792.	James Wells, John Wens.	William McDermott, Alexander McClean.	£ 200.

APPENDIX.

5

ROADS, &c. Continued.

<i>Names of Roads.</i>	<i>Dates of contract.</i>	<i>Names of Contractors.</i>	<i>Sureties.</i>	<i>Sums Appropriated.</i>
Across the Blue mountain, between the Wind Gap and Lehigh Water Gap.	June 22, 1792.	William Henry.	Thomas Bartow, George Leshner.	£ 200.
From Philadelphia, through Blockley township, to county line.	July, 13, 1792.	John Sellers, Benjamin Brannon.	Nathan Sellers, David Sellers.	£ 300.
M'Allister's Gap and Burnt Cabins.	July 19, 1792.	William Elliott.	John Holliday, William M'Clelland.	£ 300.
From Lehigh Water Gap, to the Nescopeck road.	July 26, 1792.	Nicholas Kerr.	Thomas Craig, William Rawie.	£ 200.
From Sideling Hill to Bedford.	Sept. 12, 1792.	Benjamin Burd.	William Wilds, James Jamison.	£ 150.
Vanderin's hill in Philadelphia county.	Sept. 16, 1792.	Nathaniel Levering, Joseph Crawford.	Peter Care, Benjamin Gorgas.	£ 300.
From M'Call's ferry, to the Peach-bottom ferry road.	Oct. 1, 1792.	Jeremiah Brown.	Levi Hollingsworth, Joseph Swift.	£ 300.

ROADS, &c. *Continued.*

<i>Names of Roads.</i>	<i>Dates of contract.</i>	<i>Names of Contractors.</i>	<i>Sureties.</i>	<i>Sums Appropriated.</i>
Part of Pittsburgh road, between Stodler's road and M'Connaghy's run.	Oct. 23, 1792.	Daniel Stoy.	Jacob Baker, John Turry.	£ 250.
Part of the Lancaster and Harrisburgh road, over the Connewago hills.	Oct. 24, 1792.	Abraham Witmer.	Thomas Boude, Andrew Graff.	£ 500.
From Mount Rock to Rankin's ferry.	Dec. 1, 1792.	Thomas Campbell.	John Montgomery, Alexander M'Keehen.	£ 150.
From Loyalhanning to Nine mile Run, west of Chesnut ridge.	Dec. 21, 1792.	William Todd.	William Lochbrey, Philip Goze.	£ 250.
From Hughe's encampment, across the Allegheny mountain, at or near Speicher's.	Jan. 26, 1793.	James Black.	Benjamin Burd, Albert Gallatin.	£ 200.
Pittsburgh road, from east-side of Allegheny mountain to Stodler's road.	March 18, 1793.	Robert Dickey.	James Wilson, James Dickey, jun.	£ 480.
Through Shippensburg Gap towards Yorktown.	April 2, 1793.	William Boyd.	John Edie, William M'Pherson.	£ 200.

ROADS, &c. Continued.

APPENDIX.

<i>Names of Roads.</i>	<i>Dates of contract.</i>	<i>Names of Contractors.</i>	<i>Sureties.</i>	<i>Sums Appropriated.</i>
From Buchannon's, through Great Cove, to Sideling hill.	<i>April 23, 1793.</i>	Andrew Work, John Davis.	Daniel M'Connell, Ephraim Wallace.	£ 200.
Bridges over Conegocheague and Conedoguinet creeks.	<i>May 9, 1793.</i>	William Elliott.	Alexander Scott, John Heap,	\$ 300.
Over South mountain at Black's Gap.	<i>May 9, 1793.</i>	Alexander Thompson.	Andrew Kennedy, John Nicholson.	£ 212 10s.
Over Blue mountain at Little Gap.	<i>May 15, 1793.</i>	George Brown.	Jacob Eyerly, jun. Peter Obersheimer.	\$ 200.
From Tobicon to Springfield meeting-house.	<i>May 16, 1793.</i>	John Smith.	George Roundbush. Adam Reidleman.	\$ 200.
From Brackenridge's, to Northampton county line.	<i>June 8, 1793.</i>	John Smith.	George Roundbush, Adam Reidleman.	\$ 30.
Perkiomen and Swamp meeting house.	<i>June 12, 1793.</i>	Samuel Sellers.	Andrew Stricker, John Whitehead, James Witthead.	\$ 200.
From Fort Penn to the Portage, between Delaware river and Shohocing creek.	<i>July 2, 1793.</i>	John Hilborn.	Henry Drinker, Jacob Downing.	£ 459 0 7.

ROADS, &c. *Continued.*

<i>Names of Roads.</i>	<i>Dates of contract.</i>	<i>Names of Contractors.</i>	<i>Sureties.</i>	<i>Sums Appropriated.</i>
From the West side of Broad mountain, to Titsworth's tavern.	July 10, 1793.	Frederick Antes.	Jacob Schreiner, Reuben Hains, jun.	\$ 800.
Lewistown and Huntingdon.	Aug. 10, 1793.	Malcolm Andre.	James Potter, John Brown.	\$ 400.
From Stoney creek to Chcs-nut Ridge.	Aug. 19, 1793.	Ebenezer Brady, James Brady.	Cap. James Brady, William Wood.	\$ 1,004 20.
From Jones' mill to Youghiogay river.	Aug. 14, 1793.	Jacob Strickler.	Jacob Strickler, jun. Isaac Meason, Abraham Shelleberger.	£ 400.
From Lancaster and Chester county line, to Bradford township, Chester county.	Jan. 3, 1794.	Samuel Cunningham, Richard Downing, jun.	Thomas Ball, Richard Thomas.	\$ 400.
Bridges over Clark's and Powell's creek, and road over Peters' mountain, Dauphin county.	Jan. 22, 1794.	John Ayres.	William Montgomery, John Titsworth, jun.	\$ 720.
From Burnt Cabins, to Side-ling hill.	July 5, 1793.	Benjamin Burd.	Robert Irwin, John Coyle.	\$ 200.

APPENDIX.

2

ROADS, &c. Continued.

<i>Names of Roads.</i>	<i>Dates of contract.</i>	<i>Names of Contractors.</i>	<i>Sureties.</i>	<i>Sums Appropriated.</i>
From the south side of Buffalo hill, to Wild Cat (or Colt) run.	Jan. 29, 1794.	Hugh Miller.	David Mitchell, John Bratton.	\$ 200.
From Lehigh Water Gap, to Nescopeck road.	Feb. 14, 1794.	Nicholas Kirk, jun.	Simon Driesbach, George Graff.	\$ 400.
Over Trent's Gap, Cumberland and York counties.	Feb. 14, 1794.	Samuel Weakley.	Thomas Kenedy, Thomas Campbell.	\$ 300.
From Philadelphia, to the Delaware county line.	Feb. 13, 1794.	Benjamin Brannon, John Sellers.	Nathan Sellers, David Sellers.	\$ 200.
From Driftwood, to the Allegheny river.	April 2, 1794.	Alexander Scott.	James Ross, Abraham Carpenter.	£ 460.
Wilkesbarre and Wyalusing.	April 23, 1794.	Jesse Fell.	Rosewell Welles, Nathan Dennison, Laurence Meyers.	\$ 1,300.

ROADS, &c. *Continued.*

<i>Names of Roads.</i>	<i>Dates of contract.</i>	<i>Names of Contractors.</i>	<i>Sarvies.</i>	<i>Sums Appropriated.</i>
From Carlisle, into Sherman's valley, and over the North mountain.	March 6, 1793.	Jacob Weiser.	Samuel Postlethwait, John Montgomery.	\$ 300.
From Pittsburgh, by Franklin to Lebecauf.	April 7, 1796.	James I. Heron, Dunning McNair, David Mead.	James O'Harra, Benjamin Burd.	\$ 4,000.
Per bottom ferry, and Maryland line.	June 7, 1796.	Roger Kirk.	Jeremiah Brown, Levi Hollingsworth.	\$ 500.
Lewistown and Penn's Valley.	June 8, 1798.	John Norris.	Samuel Edmiston, James Potter.	\$ 400.
Frankstown and Conemaugh.	May 4, 1799.	Morgan J. Rhees.	Benjamin Rush, William Jones.	\$ 800.
From Spyker's, to Cherry's mill.	Feb. 12, 1799.	James Black.	John Davis, John Dickey.	£ 312 10s.
Bald Eagle and Lebecauf.	July 3, 1799.	Samuel Miles, Roger Alden.	George Fox, James Phillips, Tench Cox.	\$ 5,000.

APPENDIX.

<i>Names of Roads.</i>	<i>Dates of contract.</i>	<i>Names of Contractors.</i>	<i>Sureties.</i>	<i>Sums Appropriated.</i>
Newberry and New-York line.	July 26, 1799.	Benjamin W. Morris.	Gideon H. Wells, Thomas Greeves.	\$ 3,000.
Part of Frankstown, and Pittsburgh road.	March 18, 1800.	Jeremiah Murray.	Michael Rugh, Dunning McNair.	£ 177 6 3.
From Loyalhanning, to Beaver Run.	March 18, 1800.	James Irwin.	William Finley, Gen. Wm. Irwin.	£ 130 10s.
Another part of Frankstown, and Pittsburgh road.	March 18, 1800.	James Wilson, William Guthrie.	William Finley, George Smith.	£ 123 10s.

RIVERS.

<i>Names of Rivers.</i>	<i>Dates of contract.</i>	<i>Names of Contractors.</i>	<i>Sureties.</i>	<i>Sums Appropriated.</i>
Schnylkill from the lower falls, to Reading.	June 29, 1791.	Arthur Donaldson, James Lewis, John Strohecker, John Garver.	William Bell, Daniel Clymer, Joseph Heister.	£ 2,500.
Lackawaxen.	July 9, 1791.	Samuel Seely.	Joseph Martin, Jonas Hartzell.	£ 250.
Juniata from Augwick falls, to Frankstown.	Dec. 14, 1791.	Richard Smith, Benjamin Elliott, John Canan, David Stewart.	William Smith, Henry Drinker.	£ 2,020.
Youghiogeny, from its mouth, to Salt-Lick Creek.	Jan. 31, 1793.	Isaac Meason, John Gibson.	James Blackstone, William Boyd.	£ 1,200.
Parts of the rivers Conemaugh and Kiskiminetas.	Feb. 25, 1794.	Charles Campbell, John Dennison.	William Findley, Abraham Hendricks.	£ 2,700.
Parts of the river Conemaugh.	April 22, 1794.	James Brady.	William Findley, Abraham Hendricks.	£ 350.

RIVERS, &c. Concluded.

<i>Names of Rivers.</i>	<i>Dates of contract.</i>	<i>Names of Contractors.</i>	<i>Sureties.</i>	<i>Sums Appropriated.</i>
Schuylkill above Reading.	Aug. 10, 1795.	William Koch, George Rousch.	Jacob Mayer, Edward Laskey.	£ 600.
Raystown branch of Juniata and Dunning's creek.	Feb. 18, 1798.	William Elliott.	William Henderson, Benjamin Elliott.	£ 600.
Susquehanna from Wright's ferry, to the Maryland line.	July 7, 1801.	Frederick Antis.		\$ 12,126.

The following Contracts have been reported as not completed; and the Bonds have been sent to the Attorney-general, to be put in Suit.

ROADS.

<i>Names of Roads.</i>	<i>Dates of contract.</i>	<i>Names of Contractors.</i>	<i>Sureties.</i>	<i>Sums Appropriated.</i>
Long Narrows.	July 15, 1791.	William Brown,	Thomas Turbitt,	£ 100.
Cane Narrows.	do.	George Wilson.	Samuel Edmiston.	£ 300.
Jack's Narrows.	do.	do.	do.	£ 120.
Frankstown and Conemaugh.	May 18, 1792	William Smith,	John Nicholson,	£ 530.
Skinner's road over the three mountains.	July 19, 1792	Richard Smith,	William Fiadley.	£ 200.
From the mouth of the Juniata, to D. Millers	Sept. 16, 1792.	John Canan.	John Holliday,	£ 300.
From Peters' mountain to Sunbury.	April 5, 1793.	Frederick Watts,	William McClelland.	£ 150.
		James Harris.	Thomas Huling,	
		John White.	George Smiley,	
			Charles Biddle.	
			William Montgomery,	
			Joseph Wallace.	

<i>Names of Roads.</i>	<i>Dates of contract.</i>	<i>Names of Contractors.</i>	<i>Sureties.</i>	<i>Sums Appropriated.</i>
From Turtle creek, to Pittsburgh.	June 10, 1795.	Dunning M'Nair, Presley Neville.		\$ 500.
From M'Call's ferry to Peach- bottom and York road.	Feb. 13, 1797.	William Findley.	Alexander Turner, William M'Pherson.	\$ 200.
Part of Frankstown and Pitts- burgh road.	March 10, 1800.	Dunning M'Nair.	James Sample, John Cunningham.	£ 51 5s.

~~~~~RIVERS, &c.~~~~~

<i>Names of Rivers.</i>	<i>Dates of contract.</i>	<i>Names of Contractors.</i>	<i>Sureties.</i>	<i>Sums Appropriated.</i>
French Creek.	March 8, 1794.	John Nicholson.	William Power, John Wilkins, jun.	£ 500.

In this appropriation is included the road from French Creek to Presqueisle, reported to be completed

RIVERS, &c. *Continued.*

<i>Names of Rivers.</i>	<i>Dates of contract.</i>	<i>Names of Contractors.</i>	<i>Sureties.</i>	<i>Sums Appropriated.</i>
Lehigh.	June 22, 1791.	Thomas Dyer, Thomas Wright.	William Hart, John Hart.	£ 1,000.
		R. Morris, W. Stewart, J. Steinmetz, J. Nicholson, J. Donaldson, D. Rittenhouse, A. J. Dallas, H. Miller, R. Harris, W. Smith, S. Meredith, T. Francis, S. Miles, T. Matlack, S. Powel, W. Bingham, A. Wiener.		
Susquehanna from ferry, to Swatara.	July 3, 1792.		M. McConnell.	£ 5,250.

APPENDIX.

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<i>Names of Rivers.</i>	<i>Dates of contract.</i>	<i>Names of Contractors.</i>	<i>Sureties.</i>	<i>Sums Appropriated.</i>
Delaware from Trenton falls, to New-York line.	July 5, 1791.	Richard Backhouse, George Wall.	Francis Murray, George Piper, Nathaniel Ellicott, David Forst.	£ 3,500.
Juniata from its mouth, to Aughwick falls.	May 8, 1792.	William Smith, Richard Smith, James Harris.	John Nicholson, William Findley.	£ 300.
Monongahela.	Dec. 17, 1792.	Samuel Jackson.	John Smilie, Albert Gallatin.	£ 1,200.
Susquehanna between Swatara and Juniata.	July 31, 1794.	Samuel Boyd, Christian King.	J. W. Kittera, Jacob Snyder.	£ 800.
Schuylkill from lower falls, to Reading.	Oct. 20, 1795.	John Nicholson.	Robert Morris, John Ewing.	£ 400.



Account of the contingent expenses in the office of the Comptroller-General, from the 28th day of February, 1807, until the 29th day of February, 1808, (both days inclusive) viz.

1807.		Dolls.	Cts.
April 4.	Paid Deitrick Heiss, for postage on public letters, from January 1st, 1807, 'till March 31st, following	13	92
June 27.	John R. Matthews, printing and binding 21 quires of blank certificates	22	25
July 2.	Jacob Martin, nine month's and twenty-six days' office-rent,	164	43
15.	Deitrick Heiss, postage on public letters for 3 months,	12	72 1-2
	George Moore, for stationary,		
	viz. Black sand	70	
	Indian rubber	50	
	Ivory folder	37	1-2
	Penknives	80	
		2	37 1-2
Oct. 1.	Deitrick Heiss, for postage on public letters, three months	10	96
16.	Christian Snuk, for three quarters of a cord of hickory wood	4	50
20.	Andrew Shenour, for sawing do. and cleaning stove-pipe	1	15
Nov. 3.	Charles Carter, for sawing, &c. one cord of hickory wood		90
4.	Andrew Keller, for one cord of wood, sawing, &c.	6	40
11.	John Forsyth, for sawing, &c. one cord of hickory wood		81
23.	Isaac Pollinger, for three cords of hickory wood	18	
	Matthias Smith, for sawing, &c. one cord of hickory wood		81
Carried forward,		\$	259 23

Brought forward, \$ 259 23

24.	Paid Robert M'Elwee, paid by him for sundry articles, viz.	
	Screws and twine	14
	Sweeping chimneys	20
	Boards for files	80
	Pencils	38
		<hr/> 1 52
1808.		
Jan. 6.	Deitrick Heiss, for postage on public letters, three months	11 84
	George Moore, for two blank books	50
26.	John Thompson, for one cord of hickory wood	5 75
27.	John Forsyth, for sawing, &c. ditto	87 1-2
Feb. 24.	James Downey, for cleaning stove-pipe	37 1-2
26.	Michael Gundacker, for one bottle of sweet oil	40
		<hr/> \$ 280 49

*Account of disbursements in the Register-general's office,
from the 1st day of January, 1807, to the 1st
day of January, 1808.*

		<i>Dolls. Cts.</i>
1807.		
Jan. 1.	Paid D. Heiss, one quarter's post- age, to this day	5 73
	Thomas M'Graw, for one cord of wood	6 50
	Niel M'Laughlin, for one ditto	6 25
	Miles Reiley, for sawing, split- ting, &c. ditto,	3 83
	One quarter's office rent	33 33
April.	George Hentzell, for a case for papers	11
		<hr/>
	<i>Carried forward,</i>	<i>\$ 66 64</i>

APPENDIX.

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Brought forward, \$ 66 64

<i>April</i>	Paid D. Heiss, one quarter's postage, to 1st inst.	10 16
	George Moore, for quills	1 50
	For an inkstand and pitcher	84
	For expenses removing the office, &c.	2 35
	William Hamilton, one ream of paper	3 50
	For one quarter's office rent	33 33

<i>May</i>	Jacob Johnson, for stationary, viz. one journal and ledger, super-royal paper, Russia banded and iron backed,	50
	one ream Cap paper,	4 25
	four hundred quills, at 1 50,	6
	six quires post paper,	2 40
		<hr/> 62 65

<i>October.</i>	D. Heiss, for one quarter's postage, to July 1st,	14
	For carriage of books, &c. from Philadelphia,	75
	William Hamilton, for paper, and printing circular letters,	6
	David Beard, for one cord of wood,	6 25
	John Forsyth, for sawing and piling ditto,	75
	For a key for the office door,	33
	D. Heiss, for one quarter's postage, to 1st inst.	10 40
	Six month's office rent, to the 1st inst.	66 66
		<hr/> \$ 286 11

*Account of the contingent expenses of the Treasury,
from January 1st, to 31st December, 1807.*

1807.		Dolls. Cts.
Jan.	3. To cash paid D. Heiss, for postage,	2 79
	12. William Gordon, for splitting wood,	1
	Stage-hire and expenses in going to Philadel- phia, to settle with the Banks,	14
	D. Heiss, for post- age,	62
	Office rent 12 days,	4 44
	William Duane adver- tising,	11
	John Boreman, for re- cording T. Ryerson's mortgage to the state,	1 33
		<hr/>
		\$ 35 18
<i>The above expenses were incurred in the time of the late Treasurer.</i>		
Jan.	16. To cash paid for two cords of hickory wood,	12
	W. Dickson, for a ream of paper,	4
	27. S. Barnet, for a stool, and mending 2 others	1 13
	29. for sawing and splitting wood,	1 95
Feb.	2. for one pair of sheers,	1
	3. for 1 lb. of glue to put in checks,	31
	4. for one cord of hickory wood,	6
	17. Henry Miller, for a book and binding others,	14
	20. for sweeping office chim- ney,	25
March	9. Henry Miller, for bind- ing books,	1 12
		<hr/>
<i>Carried forward,</i>		\$ 76 94

Brought forward, \$ 76 94

March 14.	To cash paid George Moore, for paper, books, &c.	41 48
	M. Stoner, repairing office counter,	2 50
April 1.	Dietrick Heiss, for postage,	2 97
	two month's and nineteen days office rent,	28 90
20.	stage-hire and expenses, to Philadelphia, to settle with the Banks,	14 36
	for a power of attorney in favor of Jonathan Smith, to draw interest,	1
July 15.	D. Heiss, for postage,	3 19 1-2
Aug. 28.	J. Burnside, for a check book,	4 50
Oct. 1.	D. Heiss, for postage,	9 9 1-2
12.	for one cord of hickory wood,	6
14.	for one ditto,	6
15.	for two ditto,	12 50
	for one ditto,	6
19.	for two quarter's office rent,	66 67
Nov. 23.	stage-hire and expenses, to Philadelphia, to settle with the Banks,	16 14
28.	for 1 lb. of glue, to put in checks,	37
	for sweeping office chimney,	25
	for half a cord of hickory wood,	3
Dec. 1.	George Moore, for a Day-book,	2 25
3.	for one cord of hickory wood,	6
31.	for one quarter's office-rent,	33 33
		<hr/>
		308 27

An Account of the expenditures in the office of the Secretary of the Land-office, from October 1st, 1806, to October 1st, 1807.

1806.			Dolls.	Cts.
Oct.	3.	To cash paid T. Butcher's bill, for postage,	6	52 1-2
		James Clendenin,	16	
	8.	John Forsyth,	50	
	29.	John Strickler,	5	25
Nov.	5.	David Reyner.	25	
	6.	John R. Matthews,	29	
	12.	Marlin Swar,	5	50
	14.	Marlin Swar,	5	50
	17.	Samuel White,	1	50
		Michael Gundacker,	3	53
	18.	Andrew Sheinhour,	1	
Dec.	10.	Sampson Barnett,	8	
	16.	Jacob Hobeker,	5	
	19.	Christian Leib,	6	
	24.	For sweeping office chimney,		20
	31.	For one quarter's office rent,	33	33
1807.				
Jan.	2.	George Moore, P. M. For an almanac for office,	7	07 1-2
	15.	William Greer,	3	47
	24.	Andrew Sheinhour,	3	11
Feb.	25.	John Staman,	5	50
		George Rogers,	50	
March	9.	Jacob Dealing,	40	
	30.	George Moore,	19	32 1-2
		For letters forwarded,	40	
	31.	One quarter's office rent,	33	33
April	2.	George Moore's account,	4	76
	16.	William Kirkpatrick,	50	
May	2.	Jacob Long,	53	
	6.	William Hamilton,	144	3
		Elizabeth Conner,	1	
	8.	William Greer,	4	
Carried forward,			339	3 1-2

APPENDIX.

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Brought forward, \$ 339 3 1-2

1807.

May	16.	To cash paid Sampson Barnett,	20
		postage on public letters	
		sent,	72
July	1.	one quarter's office rent	33 33
	2.	George Moore, P. M.	6 15
	7.	ditto.	4 25
Aug.	7.	John Getz, jun.	17
	24.	George and Peter Al-	
		bright,	1 75
Sept.	21.	James Clendenin,	31
		postage on public letters,	
		sent,	30
	30.	one quarter's office rent,	33 33
			<hr/>
			\$ 436 37 1-2

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*An Account of the contingent expenses of the Receiver-general's office, from the 1st. of January, 1807, to the 31st. of December following, (both days inclusive.)*

1807.

Dolls. Cts.

|      |     |                                      |       |
|------|-----|--------------------------------------|-------|
| Jan. | 4.  | To cash paid for one cord of hickory |       |
|      |     | wood,                                | 6     |
|      | 15. | George Moore's bill,                 |       |
|      |     | for stationary,                      | 50 10 |
|      | 19. | James Mixon, for wood,               | 6     |
|      | 24. | Abraham Quarterman,                  |       |
|      |     | for ditto,                           | 6     |
| Feb. | 6.  | Henry Miller, for book-              |       |
|      |     | binding,                             | 1 50  |
|      | 7.  | for vinegar for ink,                 | 7     |
|      | 17. | William Kirkpatrick's                |       |
|      |     | bill for tape,                       | 75    |

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Carried forward, 2 0 42

Brought forward, \$ 70 42

1807.

|              |     |                                                     |       |
|--------------|-----|-----------------------------------------------------|-------|
| <i>Feb.</i>  | 20. | To cash paid William Gordon, for splitting wood,    | 2 20  |
|              | 21. | J. Gilmore, for sweeping chimneys,                  | 62    |
|              | 25. | J. Leib, for wood,                                  | 5 75  |
|              | 27. | D. Bollinger, for ditto,                            | 5 75  |
| <i>March</i> | 5.  | A. M'Cloud, for sawing ditto,                       | 3 63  |
|              | 20. | Samuel White's bill, for stationary,                | 5     |
|              | 31. | office rent,                                        | 33 33 |
| <i>April</i> | 3.  | Deitrick Heiss, for postage on letters, P. S.       | 70    |
|              | 12. | Samuel White's bill, for paper, wafers, and quills, | 42 48 |
| <i>June</i>  | 3.  | Henry Miller, for book binding,                     | 24 50 |
|              | 30. | office rent,                                        | 33 33 |
| <i>July</i>  | 2.  | Deitrick Heiss, postage on letters, P. S.           | 6 93  |
|              | 6.  | George Moore, for stationary,                       | 8 10  |
|              | 14. | William Dickson, for ditto,                         | 28    |
|              | 22. | Henry Miller, for binding Day-book,                 | 1 50  |
| <i>Sept.</i> | 30. | office rent,                                        | 33 33 |
| <i>Oct.</i>  | 2.  | for sweeping chimneys and stove-pipe,               | 75    |
|              |     | G. Seesholtz, for stove pipe case,                  | 17    |
|              | 3.  | George Moore, for quills,                           | 5 50  |
|              | 7.  | Deitrick Heiss, for postage on letters, P. S.       | 4 80  |
|              | 14. | S. Shoemaker, for one cord hickory wood,            | 6 25  |
|              | 15. | J. Resht, ditto,                                    | 6     |
|              | 17. | ditto, ditto,                                       | 6     |

Carried forward, \$ 335 4

Brought forward, \$ 335 4

1807.

|             |     |                                                                   |           |
|-------------|-----|-------------------------------------------------------------------|-----------|
| <i>Oct.</i> | 17. | To cash paid S. Haugenberger, for<br>one cord of hickory<br>wood, | 6         |
|             | 19. | ditto, ditto,                                                     | 6         |
|             |     | J. Resht, ditto,                                                  | 6         |
|             | 22. | Jacob Shutt. for a sweep-<br>ing brush,                           | 60        |
| <i>Dec.</i> | 10. | A. M'Cloud, for saw-<br>ing wood,                                 | 3 20      |
|             | 12. | John R. Mathews, for<br>printing blanks,                          | 21        |
|             | 14. | M. M'Causlin, for al-<br>tering chimney,                          | 37        |
|             | 31. | one quarter's office-rent,                                        | 33 33     |
|             |     |                                                                   | <hr/>     |
|             |     |                                                                   | \$ 411 54 |



# INDEX

TO THE

## JOURNAL

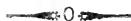
OF THE

## SENATE

OF

*Pennsylvania.*

SESSION 1807—8.



LANCASTER:

PRINTED BY WILLIAM C. SMYTH,

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1808.



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